

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

VILLAGE OF MINOA
BOARD OF TRUSTEES
November 19, 2007

November 19, 2007

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 November 19, 2007.

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

ALSO John Sears and Eric Christensen

PRESENT:

Mayor Donovan opened the meeting at 7:30 p.m. with the Pledge of Allegiance led by Clerk/Treasurer Snider.

MINUTES OF
PUBLIC HEARING -
NOVEMBER 5, 2007 -
LOCAL LAW #9 FOR
2007 - RENTAL
PROPERTIES

A motion was made by Trustee Champagne and seconded by Trustee Cronk to accept the minutes of the November 5, 2007 Public Hearing on Local Law #9 for 2007 entitled "Registration and Inspection of Rental Properties" as recorded. All in favor. Motion carried.

Please note that the Local Law was originally proposed as #7 for 2007, but was adopted as Local Law #9 for 2007 entitled "Registration and Inspection of Rental Properties". The Department of State requires that Local Laws be submitted in

numerical order upon approval, which changes this law to Local Law #9 for 2007 when adopted.

**MINUTES OF
VILLAGE BOARD
MEETING -
NOVEMBER 5, 2007**

A motion was made by Trustee Theobald and seconded by Trustee Champagne to accept the minutes of the November 5, 2007 Village Board Meeting as recorded. All in favor. Motion carried.

**ADOPTION OF
LOCAL LAW #9 FOR
2007 -
REGISTRATION
AND INSPECTION
OF RENTAL
PROPERTIES**

Mayor Donovan asked the Board if they had any comments regarding the proposed local law.

Trustee Theobald said that as a former tenant and former landlord, he said this was one of the most difficult laws he had to consider and the resident turnout was tremendous. He said he thought originally that maybe Minoa wasn't ready for this type of law and the village didn't have the problems that larger cities experience. Trustee Theobald said the more he looked around and in the past had struggled with former neighbors that lived across the street from him in a dilapidated house, he now knows how bad it can get and is thankful for his current neighbor. He said property owners always face the risk that the next neighbor won't be as good and problems will occur that can be prevented by the proposed law. Trustee Theobald said that after research and understanding of the safety issues, it might be too late to address problems if the law is approved at a later date. He said he had really been on the fence about the subject, but after talking to some of the landlords in Minoa and a good friend who is also one of them, he felt that this type of law was inevitable and should be approved that evening.

Trustee Champagne said he agreed with Trustee Theobald's statement and said it was a difficult decision to make. He said the Board had received great comments from the landlords and the residents that helped with the development of the local law. Trustee Champagne said in the long run the law would benefit the landlord, their tenants and area properties.

Trustee Brazill said the continuation of the Public Hearings had generated great responses during the meetings and many people from the last meeting said it wasn't about the money and appreciated that the Board had taken their suggestions into consideration. Trustee Brazill said their concerns resulted in a rate reduction and extended inspection periods for good landlords. Trustee Brazill said that the law was a tough decision to make and he was originally against it. He said he now feels that the Village needs to be proactive to prevent problems and avoid playing catch-up with future problems. Trustee Brazill recognized that many of the audience members were concerned with properties that were occupied by the owners and not just rental properties. Trustee Brazill said the Codes Enforcement Officer was addressing issues

and would continue to handle future problems. Trustee Brazill said he had become a proponent of the new law and is looking forward to making the Village of Minoa a better place to live.

Trustee Cronk said the Board had spent a lot of time and energy reviewing the law. He said he had spoken to numerous landlords and one landlord said the Village of Minoa was jumping on the bandwagon and that landlord later apologized for his statement. Trustee Cronk said it was better to enact the law and avoid problems later down the line that will be difficult to correct.

Mayor Donovan commended the Board for their hard work and effort. He said he had a conversation with a fellow Mayor before the meeting and they both agreed that it was all about the safety issues. Mayor Donovan said everyone hears that the City of Syracuse is losing their population and as a result they have lost revenues. Mayor Donovan said that if the City of Syracuse would have addressed the landlord issue years ago, maybe things would be different today.

Mayor Donovan reported that the Rochester Democrat & Chronicle newspaper reported on November 10, 2007 that two RIT students died in a house fire that the Codes Enforcement Officer could not get into for inspections. Mayor Donovan said he recognizes that they cannot catch all of the problem properties, but in the long run the law would protect the landlords, the tenants, and property values. He said that it was a win-win situation for the Village of Minoa and the proactive landlords.

A motion was made by Trustee Brazill and seconded by Trustee Champagne adopting Local Law #9 for 2007 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 attached hereto as Schedule "A". All in favor. Motion carried.

Attorney Primo said it was originally drafted as Local Law #7 for 2007, but the Department of State requires that Local Laws be submitted in numerical order upon approval, which changes this law to Local Law #9 for 2007.

CONSIDERATION Tabled
FOR THE
ADOPTION OF
LOCAL LAW #10
FOR 2007 – ZONING

(MINOA FARMS)

**MINOA FIRE
DEPARTMENT**

***PERMISSION TO ATTEND THE SAFETY OFFICER ALL RISK COURSE /
DENNIS ERARD***

A motion was made by Trustee Cronk and seconded by Trustee Brazill giving permission to Dennis Erard to attend the Safety Officer All Risk Course on December 1-2, 2007 at the Moyers Corners Fire Department, Liverpool, NY at a cost of \$25.00 per person. All in favor. Motion carried.

PERMISSION TO ATTEND THE SUBURBAN FIREFIGHTING SEMINAR

A motion was made by Trustee Champagne and seconded by Trustee Cronk giving permission to Nick Erard, Jeremy Erard, Dennis Erard, & Patrick Flannery to attend the Suburban Firefighting Seminar offered by the NYS Fire Chiefs Fall Seminar on November 27, 2007 at the Whitesboro High School at a cost of \$15.00 per registered member and \$25.00 for non-members, at a total cost of \$70.00. All in favor. Motion carried.

AMBULANCE

Nothing to report.

DPW

***RATIFY PERMISSION TO ATTEND THE ULTRA-LOW SULFUR DIESEL,
BIODIESEL & THEIR IMPACTS ON ENGINE MAINTENANCE COURSE /
LANCE STOLP***

A motion was made by Trustee Champagne and seconded by Trustee Brazill ratifying prior approval giving permission to Lance Stolp to attend the Ultra-Low Sulfur Diesel, Biodiesel & Their Impacts on Engine Maintenance seminar offered by D&W Solutions on November 14, 2007, Auburn, NY at no cost. All in favor. Motion carried.

**OCRRA / 2008
REGISTRATION
RENEWAL**

A motion was made by Trustee Brazill and seconded by Trustee Theobald authorizing Mayor Donovan to sign the Annual Permit Application for use of the OCRRA facilities for 2008 and submit same to OCRRA. All in favor. Motion carried.

**CHRISTMAS TREE
LIGHTING
CEREMONY**

Trustee Theobald reminded the Board that the Christmas Tree Lighting Ceremony was scheduled for December 2, 2007 at 5:00 p.m. and that everything was in place for the upcoming event. He said he would appreciate any available help and that he is still working on assembling a brass ensemble. Trustee Theobald said that Santa Claus was scheduled to arrive between 6:00 and 6:30 p.m.

TRUSTEES' REPORT

Trustee Champagne excused himself at 7:43 p.m. due to illness and the Board wished

him a quick recovery.

Trustee Theobald reported that he had received a letter from the Town of Manlius Police Department stating that an on-site assessment re-accreditation assessment scheduled for December 8, 2007. Trustee Theobald said that during the assessment the community was invited to offer comments at a public information session to be held on Monday, December 10, 2007 at 7:00 p.m. in the Village of Manlius located at One Arkie Albanese Avenue, Manlius, NY. Trustee Theobald said he would be at the information session. Mayor Donovan said the letter states they will receive written comments as well.

Trustee Cronk said the Waste Water Treatment Facility will be transferring sludge on November 26-27, 2007. He said they have waited due to the good weather had passed because they wanted windows closed to avoid the slight odor.

Trustee Cronk reported that there had been a departmental meeting to address MS4 issues and review the comments made by the DEC regarding the annual report. Trustee Cronk said they would be meeting with Kathy Bertuch of the CNY Planning Board on December 5, 2007 to address further questions for clarification.

Trustee Brazill said the November/December newsletter was mailed on November 19, 2007.

Trustee Brazill said the holiday chimes ran from noon to 8:00 p.m. last year and asked if the Board wanted to run the chimes again during the same time period to remain consistent. He said the holiday chimes would begin on December 2, 2007 the night of the Christmas Tree Lighting Ceremony. The Board agreed that the chimes should run from noon to 8:00 p.m. and Mayor Donovan requested that the chimes remain silent during the ceremony.

Mayor Donovan reporting for Trustee Champagne said that after he reviewed the completed website it would be active effective November 20, 2007.

**POLE BARN
ELECTRICAL
QUOTES / TCG OF
SYRACUSE CORP.**

Trustee Brazill said the pole barn did not meet code and the Minoa Fire Department requested four (4) quotes and received the following three (3) quotes:

- TCG of Syracuse, Corp. - \$3,300.00 for Phase I and they will quote Phase II upon completion of Phase I. (winning quote)
- Construction Unlimited of Bridgeport, NY, Inc. - \$7,120.00
- Watts Electric - \$8,300.00

Trustee Brazill said that Dave Mathes, Jr., Minoa Fire Department, reported that TCG of Syracuse Corp. would quote Phase II upon completion of Phase I and the second portion is expected not to exceed another \$3,300.00, therefore bringing the total cost to \$6,600.00. Trustee Brazill said that TCG of Syracuse Corp. had previously worked on the DPW building and they were impressed with the services they provided. The Minoa Fire Department felt that TCG of Syracuse was the most qualified to complete the electrical work at the Pole Barn. Trustee Brazill said the Minoa Fire Department had disqualified the lowest bidder due to their inability recognize and address the two live electric services, one which enters from the west of the building and the other that enters from the east.

A motion was made by Trustee Brazill and seconded by Trustee Cronk to accept the quote from TCG of Syracuse Corp. dated November 15, 2007 in the amount of \$3,300.00 for Phase I of the electrical work to be repaired at the pole barn with the expense to be split between the Village of Minoa and the Minoa Fire Department equally and that TCG of Syracuse Corp. provide a quote for Phase II not to exceed a total cost of \$6,600.00. All in favor. Motion carried.

MAYOR'S REPORT

Mayor Donovan reported that he and Trustee Theobald attended a NYCOM meeting in Albany on November 19, 2007 and they met with officials from NYCOM to help set the agenda for the Winter Legislative Meeting in February 2008. He said they were able to vote on the different items so that there was a consensus across the state and fifty-four (54) items were presented. Mayor Donovan said that seventeen of them will be considered top priorities, such as Pension Reform, the Wicks Law, MS4 financial relief for municipalities, and reviewing procurement polices. Mayor Donovan said he would get a copy of the agenda for the Board's review.

2008 NYCOM WINTER LEGISLATIVE MEETING / FEBRUARY 24-26, 2008

A motion was made by Trustee Cronk and seconded by Trustee Theobald giving permission to any Village Board member to attend the 2008 NYCOM Winter Legislative Meeting to be held in Albany, NY from February 24-26, 2007 at a cost of \$195.00 registration fee and \$199.00 per evening room and board charge. All in favor. Motion carried.

ATTORNEY'S REPORT

Attorney Primo provided a proposed Local Law for the Minoa Fire Department that would change their annual election from the third Sunday in December to the second Monday of December in each year. Attorney Primo suggested that they schedule the Public Hearing for the next Village Board meeting.

SCHEDULE PUBLIC HEARING

A motion was made by Trustee Brazill and seconded by Trustee Theobald to schedule a

Public Hearing on Local Law #11 for 2007 changing the annual election date for the Minoa Fire Department from the third Sunday in December to the second Monday in December for December 3, 2007 at 7:25 p.m. All in favor. Motion carried.

Attorney Primo provided a revised draft of the Cold War Veterans Exemption for the Board's review and suggested that the Board wait to schedule a Public Hearing after discussing the assessment figures with the Town of Manlius.

Attorney Primo provided John Sears with the Village of Minoa Code and New York State code that applies to the Animal Control Officers responsibilities per his request.

Attorney Primo reported that Elliot Lasky, Minoa Farms and Ryan Homes have not approved their contract; therefore, the proposed local law changing the zoning in Minoa Farms will not be adopted until the contract has been approved.

Attorney Primo said that there has not been any movement with the street lighting in Minoa Farms and Mayor Donovan said the reports have been completed, but cannot receive the report until payment has been made by Elliot Lasky to the consultant for service rendered. Attorney Primo said he would contact Mr. Lasky regarding the final street lighting reports.

**TREASURER'S
REPORT**

A motion was made by Trustee Brazill and seconded by Trustee Theobald to accept the Treasurer's Report for the month of October 2007 and the amended September 2007 Treasurer's Report as recorded. All in favor. Motion carried.

**2007-2008 UNPAID
TAXES TO COUNTY**

A motion was made by Trustee Brazill and seconded by Trustee Cronk that the Village Board agrees to return the Tax Warrant for the 2007-2008 Village Taxes in the amount of \$44,087.66, which represents \$40,770.96 in original tax, an 8% interest fee of \$3,261.70 and a \$55.00 second notice fee to the Clerk/Treasurer and hereby directs her to send the list of overdue taxes to the Onondaga County Commissioner of Finance for collection and the subsequent payment to the Village. All in favor. Motion carried.

**TRANSFER IN
APPROPRIATIONS**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to approve the requested transfer of appropriations in the General Fund attached hereto as Schedule "B". All in favor. Motion carried.

AUDIT CLAIMS

A motion was made by Trustee Cronk and seconded by Trustee Theobald that claims on Abstract #12 in the amounts of General Fund - \$43,185.73 (Vouchers 478-517); Capital Fund (HE) - \$9,600.00 (Voucher 005); and Sewer Fund -

\$4,162.47 (Vouchers 164-173) for a total of \$56,948.20 be audited and paid. All in favor. Motion carried.

PUBLIC COMMENTS John Sears asked the Board if Minoa Farms was changing the size of the land they have and Mayor Donovan said they are requesting that the lot sizes be smaller, which changes the zoning requirements. Mr. Sears asked how many more homes will be built and the square footage of each property line. Mr. Sears said that with the increased homes there will be more water runoff and possible flooding to his property.

Mayor Donovan reminded Mr. Sears that the information was provided at the Public Hearing which he attended, but could provide him a copy of the proposed law. Mr. Sears said that he wants to know how many homes are going to be built so that he doesn't have anymore flooding on his property and wants to know the square footage of the roofs and the driveways so that he is prepared.

Attorney Primo said that Mr. Lasky is requesting a zoning change which would permit smaller lots and said that whatever changes are made would result in storm drainage increases to address. Attorney Primo said that though there will be more homes, the footprint will be smaller and should not result in any problems.

Mr. Sears asked if he could ask Mr. Lasky these questions and Attorney Primo said they could provide him the information.

Mr. Sears said he has lost many personal items by sewer water flooding into his basement and he does not want it to happen again. Mayor Donovan said the developers are required by law to monitor and manage the stormwater with the ponds that are in place.

Attorney Primo said that stormwater management has changed dramatically and the water cannot leave the site unless it is controlled and not to exceed the amount of runoff before development.

Mr. Sears said he had six inches of sewer sludge in his basement which damaged his property and he is concerned that it will happen again if there is an increase of homes in the Minoa Farms development. Mayor Donovan said the sewer problem happened over ten years ago and has nothing to do with the Minoa Farms development.

Mr. Sears said he also had his garage flood as well and is concerned that he will be flooded again with the increased homes. Mayor Donovan reminded Mr. Sears that he had exceeded the three minutes allowed for public comments and asked him if he had any further questions.

Mr. Sears then asked about the biodiesel fuel class and what the company D&W gets out of the course. Mayor Donovan said he would write down his questions and respond at the next meeting. Discussion ensued regarding the biodiesel class, the company offering the class, who was attending, what the company gets from the Village if someone attends and the training required by the Village mechanic. Mayor Donovan replied that the information was detailed in the agenda and the company doesn't receive anything from the Village by attending the course.

Mr. Sears requested a copy of the Town of Manlius Police letter regarding accreditation and Trustee Theobald provided him with a copy of the letter.

Mr. Sears said he has to walk over the green bridge and dodge animal feces every time he crosses. He asked what the Animal Control Officer's job was and why wasn't it being monitored. Mr. Sears said he is documenting the feces on the bridge and it is unsafe for children. Attorney Primo said it was not the responsibility of the Animal Control Officer to remove feces. Mr. Sears said if it wasn't their responsibility, then why wasn't it being addressed.

Mayor Donovan said that Mr. Sears was well past his three minutes and said he would respond to his questions at the next meeting.

Eric Christensen asked if there had been anything done to bring Officer Nadine Zesky to return to the Village of Minoa to discuss neighborhood safety again with the residents. Trustee Theobald said it is a good idea and would talk to Officer Zesky. Trustee Cronk said it is something that can be organized, but due to the holidays and a busy work schedule, she is not available. Discussion ensued regarding inviting Officer Zesky back for a public meeting.

Mr. Sears asked the Board why they don't want him to ask questions; Mayor Donovan replied that Mr. Sears does not follow the Rules of Decorum and the Board has been good about accommodating his repetitive questions. Mayor Donovan said the Rules of Decorum allow for three minutes of discussion and Mr. Sears has never been refused his right to talk. Mayor Donovan said Mr. Sears has been limited because he becomes repetitive and brings up issues that over a decade old that have nothing to do with the subject at hand.

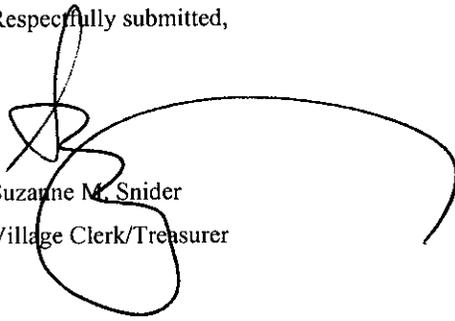
Mr. Sears said he signed up for Officer Zesky's meeting and that it is the Village's responsibility to bring her back in. Mayor Donovan said that Trustee Theobald is the liaison for the Police Department and he would contact Officer Zesky.

Mr. Sears said the Welcome to Minoa sign by the creek was removed and Mayor Donovan said the sign was removed to prevent damage by the snow plows.

ADJOURNMENT

A motion was made by Trustee Brazill and seconded by Trustee Theobald that the Village Board Meeting be adjourned at 8:21 p.m. All in favor. Motion carried.

Respectfully submitted,


Suzanne M. Snider
Village Clerk/Treasurer

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Village of Minoa

Local Law No. Nine (9) of the year 2007.

A Local Law establishing Chapter 120 of the Village of Minoa of Code entitled "Registration and Inspection of Rental Properties Law."

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

Section 1. PURPOSE AND INTENT

It is the purpose and intent of this local law to amend the Village of Minoa Code so as to establish 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 Property Owners and all Occupants. Also, the intent of the program is to ensure proper maintenance of the rental housing stock through the participation of owners, Occupants, the Village and the community through annual building inspections and registration.

Section 2. Chapter 120, entitled "Registration and Inspection of Rental Properties Law" is hereby added, reading in its entirety as follows:

CHAPTER 120 Registration and Inspection of Rental Properties

§120-1. Title

This Chapter 120 shall be known as the "Registration and Inspection of Rental Properties".

§120-2. Definitions.

In this Chapter:

"Agent" shall mean a representative of a Property Owner who shall actually reside and be domiciled within the designated boundaries of Onondaga, Madison, Oswego, Cortland or Cayuga County and shall be legally authorized in a signed and notarized writing by the Property Owner delivered to the Village not less than thirty (30) days from the due date of registration and identified in such correspondence to the Village to act in the Property Owner's behalf in matters regarding (a) the Rental Unit(s). Upon application to the Village Board an Agent outside of such areas may be designated provided that the Village Board makes a finding that the past history of the Rental Unit, other Rental Units and/or the applicants, or such applicants' business reputation is such that it appears likely that the Rental Unit can be properly managed even though such Agent is not within

the counties named herein. The Village shall maintain a form for such purposes and such form shall be the official executed and delivered authorization form required hereunder.

“Allotted Time” shall mean as defined at §120-3(C).

“Codes Enforcement Officer” shall mean a staff member of, or appointed, employed or retained by, the Village of Minoa for the purpose of enforcement of this Chapter, including without limitation the Village Codes Enforcement Officer, DPW Superintendent, or other person, including third party independent contractors.

“Occupancy” (“Occupying,” “Occupied” or “Occupy”) shall mean the act, state, or condition of being or becoming a tenant, licensee, squatter, or being or living in, taking up quarters or space in or on, or being in possession of all or part of any real property.

“Occupant” shall mean any person who is in Occupancy of al or part of any real property.

“Owner-Occupied” shall mean any Rental Unit occupied by a Property Owner.

“Property Owner” shall mean any owner of real property or other person who offers, contemplates, or is able to offer a Rental Unit for occupancy to anyone other than the owner. Property Owner shall include the title or equitable owner, mortgagee or receiver/referee in possession or control of the property, Landlord, rental or management agent or any other person or entity in apparent ownership, management, or control of the real property. A Property Owner’s designated Agent (as such term is defined hereunder) shall be deemed the Property Owner for all purposes hereunder.

“Rental Permit” shall mean a permit issued by the Village of Minoa stating that the referenced Rental Unit, to the best of the Village’s knowledge and belief, conforms to the standards of the New York State Uniform Fire Prevention and Building Code and the Code of the Village of Minoa and that the structure or rental unit is permitted for occupancy use. Any special circumstances or conditions under which occupancy is permitted may be specified on such Rental Permit.

“Rental Unit” shall mean any real property, or part thereof, occupied, intended to be occupied, or able to or contemplated for occupancy by persons, businesses or other commercial enterprises other than the owner and their immediate family within or on the premises or part thereof whether or not such occupancy or intended occupancy is in consideration of a rental or similar payment. Each separate occupied, possessed, or separable living or working unit within a parcel of real property is considered a separate Rental Unit, all and each of which are subject to the provisions hereof. A unit contained within a one to four family dwelling occupied by an owners immediate family for no rental payment or similar consideration shall not be deemed a Rental Unit for purposes hereof. Any unit claimed by the owner to not be a Rental Unit, and therefore exempt from the provisions hereof shall be supported by the sworn statement described at §120-3(B).

“Temporary Rental Permit” shall mean the temporary permit issued upon initial registration pending a satisfactory inspection and issuance of a Rental Permit, all as per §120-3.

“Unfit Rental Unit” shall mean when a Rental Unit is found to be unsafe, or unfit for human occupancy or is found otherwise unlawful including any in violation of any Federal, New York State, Onondaga County or

Village of Minoa law, regulation or code and including without limitation the Village of Minoa property maintenance standards stated under §136-14 of the Village of Minoa Code.

“Village” shall mean (i) the Village Board of Trustees, or (ii) the Village Mayor where such authority is vested in the Mayor.

§120-3. Administration.

- A. Rules of Registration – No Rental Unit shall be occupied until a Rental Permit has been obtained for such Rental Unit. A Temporary Rental Permit will be issued upon initial registration, and that temporary permit will be valid until such time as an initial inspection is completed. After satisfactory inspection, the Village will issue the Property Owner a Rental Permit. Following the adoption of this law, all Rental Unit Occupancy shall be prohibited without a (Temporary or final) Rental Permit. Rental Unit occupancy without a valid permit shall result in the issuance of an “Order to Vacate” to all Occupants of (a) the Rental Unit(s).

- B. Rental Permit – Any Property Owner who allows occupation of a residential Rental Unit within the Village of Minoa shall register for and obtain a Rental Permit from the Village. All Rental Units must be registered with the Village of Minoa within sixty (60) days of the adoption of this law, and each and every calendar year or third year thereafter, as provided at §120-3(I) hereof, thereafter on or before December 31st (commencing the first full calendar year following adoption), on a registration form provided by the Village of Minoa substantially in the form attached. All fees and the registration form shall be submitted. Except as provided for at §120-2, Property Owners whose business or legal residence is outside Onondaga, Madison, Oswego, Cortland or Cayuga County must register an Agent on their behalf whose business or legal residence is in Onondaga, Madison, Oswego, Cortland or Cayuga County and who shall be deemed responsible for the Rental Unit. Any Property Owner claiming an exemption from Registration or payment of all or part of a Registration/Inspection fee shall file a sworn statement supporting its claim of exemption with the Village Clerk in form provided by the Village of Minoa.

- C. Inspections – The Codes Enforcement Officer shall be authorized, in the performance of their duties, to conduct inspections of Rental Units of the interior and exterior portions, at such times and in such manner as they may find necessary, with the consent of the Property Owner or Occupant. Upon registration all such inspections shall be satisfactorily completed, and with all issues and violations cited therein, cured, not later than the Allotted Time. The Allotted Time shall be that time for cure of all violations as imposed by the Codes Enforcement Officer upon initial inspection taking into consideration the severity, complexity and number/volume of violations, the likely cost to cure same, the time necessary to complete such cure(s), the type of property and similar relevant criteria. Except where such violations present emergency or similar dangerous conditions justifying a shorter period to cure, or requiring that such premises be immediately vacated as unfit for occupancy, or otherwise where initially extended by the Codes Enforcement Officer or extended by timely request to the Village Board, based on the foregoing criteria, the Allotted Time shall be one hundred twenty (120) days.

- D. Independent Special Inspections – As scheduled by the Codes Enforcement Officer or as required by this chapter or other provisions of law where there is reasonable question of safety, Property Owners shall be responsible for the inspection and testing of systems, materials and workmanship that are critical to the integrity of the building structure and safety of all Occupants.
- E. Qualified Personnel – Independent special inspections and tests shall be made by qualified persons who, because of experience or education, are recognized as competent by the Codes Enforcement Officer. Reports of inspections and tests, signed by the tester and a witness, together with a statement of any remedial measures to be taken, shall be filed with the Village of Minoa Clerk within ten (10) days after each inspection and test. If any equipment or system is found to be defective or not in proper operating condition upon inspection or test, the Property Owner shall promptly remedy such defect or condition.
- F. Notice of Violations – The Codes Enforcement Officer shall, in his discretion, determine the severity of any code violations following an inspection. If a Property Owner and/or Occupant is cited with a code violation, the Codes Enforcement Officer will notify the Property Owner of the violation and the Allotted Time within which it must be corrected. This provision shall not apply to emergency or similar exigent situations. If the violations are not corrected by the date indicated by the Codes Enforcement Officer and unless extended by the Codes Enforcement Officer upon request made prior to such expiration date, an Appearance Ticket may be issued and/ the temporary Rental Permit or Rental Permit may be revoked. The Codes Enforcement Officer may grant reasonable extensions of the Allotted Time upon request of the Property Owner made prior to the expiration date of the Allotted Time and provided that the Property Owner has previously acted within such period diligently and in good faith to cure the same
- G. Order to Vacate Premises – Whenever a notice of violation, as provided in §120-3(F) herein, has not been complied with, or the determination has been made that a Rental Unit is unsafe, unfit for human occupancy, unlawful or “serious” in nature, the Codes Enforcement Officer may order the Rental Unit(s) to be vacated within such time as the Codes Enforcement Officer shall direct.
- H. Approval to Occupy – No such Rental Unit(s) previously ordered to be vacated shall be occupied until a Rental Permit is secured from the Codes Enforcement Officer.
- I. Rental Permit Term– The term of a Rental Permit shall be three (3) years from the initial inspection date for those Rental Units that received a (final) Rental Permit within the Allotted Time imposed from a prior inspection (including as same may have been extended). All other Property Owners and Rental Units shall be subject to a one (1) year (from the initial inspection date) renewal requirement.

§120-4. Revocation of Rental Permit.

The Village of Minoa reserves the right to revoke or suspend any Rental Permit at any time due to violations of any laws, codes, ordinances, and regulations of New York State, County of Onondaga or the Village of Minoa.

§120-5. Fees/Penalties.

- A. Fees – The initial Registration and Inspection fee through December 31, 2008 shall be \$20.00 per Rental Unit for residential properties and \$25.00 per Rental Unit for all other properties. Thereafter, any increase in Registration and Inspection fees shall be set by resolution of the Village of Minoa Board of Trustees. In the event of a failure to timely register, schedule or be present for a scheduled inspection, or to pay registration and inspection fees registration date the costs incurred by the Village in enforcement of these provisions may be levied against and added as a special assessment to the subject property. The procedures for such levy shall be as provided for at §§120-9 and 120-10 of the Village of Minoa Code.
- B. Penalty for Offenses – Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any of the terms of this legislation shall be guilty of a misdemeanor and be subject to a fine of not more than \$1,000.00. Each week a violation continues shall be deemed a separate offense. Such fine may be levied against and added as a special assessment to the subject property. The procedure for such levy shall be as provided for at §§120-9 and 120-10 of the Village of Minoa Code.
- C. Prior Payment – All such fees and penalties shall be paid prior to the issuance of any Rental Permit.

§120-6. Exemptions.

All units annually monitored by any Housing Authority with jurisdiction over the Village of Minoa or New York State Dormitory Authority are exempt from the registration and inspection provisions as outlined in this local law.

§120-7. Inspection Refusals.

In the event of a refusal to cooperate with an inspection request, after being provided reasonable notice, in the discretion of the Codes Enforcement Officer an Administrative Search Warrant may be requested from the courts and the Code Enforcement Officer may return with the warrant and Police personnel to make the inspection.

§120-8. Amendments.

The Village of Minoa Board of Trustees shall establish by resolution and may periodically amend administrative rules, procedures, fees and other provisions of this law.

§120-9. Notice, Reimbursement of Costs; Assessment Upon Real Property.

In the event of any action or proceeding commenced by Village, service by certified or registered mail return receipt requested upon the Property Owner or Agent, at the last designated address, shall be deemed good and sufficient service and shall be legally sufficient in lieu of any requirement of service of process under the New York Civil Practice Law and Rules or Real Property Actions and Proceedings Law. The Village shall be reimbursed for the cost of such action or proceeding commenced by direction of the Village Board and in addition, for the costs of any mitigation, remediation, repair, replacement or maintenance required hereunder or as a result of a violation of any other Village Code provision, plus a 30% administration cost by assessment and levy upon the lots or parcels of land the Rental Unit is situate, and the expenses so assessed shall constitute a

lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

§120-10. 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 in §120-9 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 the Resolution of the 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.

§120-11 Appeal of Codes Enforcement Officer's Decision.

The Village Board of Trustees will review such orders, requirements, decisions or determinations of the Codes Enforcement Officer hereunder or otherwise interpret the provisions hereof, including without limitation the extension of any Allotted Time. The Property Owner may request such an interpretation or review of the written order, decision or determination that was made by the Codes Enforcement Officer by the Board of Trustees. Such request must be made in writing no later than sixty (60) days from the date that a written order, decision or determination was made by the Codes Enforcement Officer or such interpretation issue otherwise arises.

Section 3. Illegality/Severability.

If any part of this local law or the application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or 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 and which best achieves the intent of the invalid provision.

Section 4. 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. 9 of 2007 of the ~~(County)~~(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on November 19, 2007 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.



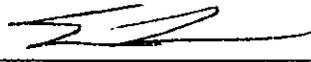
Suzanne Snider, Village Clerk
Date: November 22, 2007

(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: 11/21, 2007

*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.

Date Received: _____	Date of Initial Inspection: _____
Date Temp. Permit Issued: _____	Date of Permit Issued: _____

Property Registration Fee Due October 1st Each Year
Property Registration Fee - \$ __ per unit
(make checks payable to Village of Minoa)

VILLAGE OF MINOA

Rental Property Registration Form

Rental Property Information:

Property Address: _____

Dwelling Type: € Single Family € Multiple Family: # of units: _____

Tax Map #: _____

Property Owner Information: In case of partnership or corporation, list information on all names of general partners, corporate officers, and registered agents. (Attach separate sheet if necessary)

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Phone: _____	Phone: _____
_____	_____

Property Agent Information:

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Phone: _____	Phone: _____
_____	_____

Property Owner/Agent Signature: _____ **Date:** _____

PER BOARD RESOLUTION:
AS OF:

11/19/2007
9/30/2007

AGENDA ITEM

TRANSFER IN APPROPRIATIONS GENERAL FUND					
FROM ACCOUNT	TITLE	AMOUNT	TO ACCOUNT	TITLE	AMOUNT
A1410.10	Village Clerk - Personal Services	\$ 30,980.84	A1325.1	Clerk/Treasurer - Personal Services	\$ 30,980.84
A1325.10	Treasurer - Personal Services	\$ 2,000.00	A7410.40	Library - Miscellaneous Contractual	\$ 2,000.00
A1325.10	Treasurer - Personal Services	\$ 541.00	A9040.80	Workers' Compensation	\$ 541.00
A1325.10	Treasurer - Personal Services	\$ 171.00	A9040.81	Workers' Compensation - EMT	\$ 171.00

TRANSFER IN APPROPRIATIONS SEWER FUND					
FROM ACCOUNT	TITLE	AMOUNT	TO ACCOUNT	TITLE	AMOUNT

SCHEDULE " B "