

**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**

October 1, 2007

**PUBLIC HEARING  
LOCAL LAW #7 FOR  
2007**

Upon due notice to all members of the Village Board, a Public Hearing was held on Monday, October 1, 2007 at 7:00 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The enactment of Local Law #7 for 2007 for the Village of Minoa relating to the establishment of Chapter 120 of the Village of Minoa Municipal Code relative 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, Mike Pede, Pat Abbott, Sharon Hannon (Village of Camillus), Anne Clancy (Village of Camillus), Gordon Teska, JoAnn Perkins, David Cooper, Joe Abbot, Dan DeLucia, Eskew Young, and John Sears

**PROOF OF  
PUBLICATION**

A motion was made by Trustee Brazill and seconded by Trustee Theobald 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 7:05 p.m. for Local Law #7 for 2007 for the Village of Minoa relating to the establishment of Chapter 120 of the

Village of Minoa Municipal Code relative 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 said that numerous articles have been published recently in the Post-Standard regarding problems with absentee landlords in surrounding municipalities and the Village of Minoa, though a quiet village has also had problems locating absentee owners that have difficult properties. Mayor Donovan said the intent of the proposed law is to know the property owner, whether it is a one-family, two-family, or an apartment building. He said the Local Law would help maintain property values by requiring absentee landlords to maintain to their properties. Mayor Donovan then turned the Public Hearing over to Attorney Primo for an overview of the proposed Local Law.

Attorney Primo said the Board has been reviewing the proposed Local Law for a couple of months and there was an informational meeting held on September 24, 2007 to get the word out that the Village is considering the local law. Copies of the Local Law were provided for audience members. Attorney Primo said there is an obligation of the landlord to register their property with the village and pay an annual fee (which will be adopted at a later date) for each rental unit. The proposed Local Law requires that the owner must provide a local agent to be available to manage the property in case of emergency and provide normal maintenance care. Attorney Primo said that many municipalities require that the agents live within the county, but the Village of Minoa will allow for neighboring counties. He said there would be a ninety (90) day period to register after the enactment of the law, which would generate an inspection by the Village of Minoa to verify that the village, state and county codes are being met. Attorney Primo said appeals would come directly through the Board for consideration. He said the fees would be enough to cover the expense of the Codes Enforcement Officer. Attorney Primo said that registrations, fees and inspections would be done on an annual basis.

Attorney Primo highlighted the following points of the proposed Local Law:

**Definitions:**

“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 the rental units. 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.

“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.

### **Fees/Penalties**

Fees - 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 to be present for a scheduled inspection, or to pay registration and inspection fees within sixty (60) days of the annual 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.

### **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.

### **Notice, Reimbursement of Costs; Assessment Upon Real Property**

In the event of any action or proceeding commenced by the 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 situated, 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.

Mayor Donovan said the Board will not be voting on the local law that evening and everyone in the audience will be given the chance to review the law and address any concerns by phone or at the next meeting.

Attorney Primo said there are approximately one hundred (100) properties in the Village of Minoa that are rental properties and there are a few landlords that are not maintaining their property, this law would ensure that all properties are up to code.

**COMMENTS FROM  
THE VILLAGE  
BOARD**

Trustee Brazill asked how the Village plans to let the owners know of the proposed Local Law. Attorney Primo said the Board offered an informational meeting, a Public Hearing and will mail information to the identified properties. He said that once the law was adopted, the Village will mail the registration form to the property owners. Mayor Donovan confirmed the procedure.

Trustee Brazill asked how the tenants will receive notice. Attorney Primo said it would be the Landlord's responsibility to notify the tenant and if there are problems with the property, the tenant can provide access to the property for the inspection.

**PUBLIC COMMENTS**

Mayor Donovan asked if anyone from the public wished to speak either for or against the proposed Local Law.

JoAnn Perkins, 7591 Kirkville Road North, Kirkville, asked if the tenants would be required to attend the inspection or can the landlord do it with the permission of the tenant?

Attorney Primo said that is between the landlord and the tenant. The village must be in company of the landlord and/or the tenant, not necessarily both. The village is not looking to interrogate the tenants.

David Cooper, 132 Osborne Street, Minoa, said the law should only address outside businesses that own rental properties and not local owners.

Mayor Donovan said the law cannot be selectively enforced and it has to be enforceable for everyone. Mayor Donovan said he met with a few landlords regarding problem properties and these were situation where the Village was aware of the local landlord

and still had difficulty solving the problems. Mayor Donovan said that when property maintenance goes down, so does the property value.

Mr. Cooper said he feels that one year is too excessive and the City of Syracuse inspects every three years. He said that inspecting annually is way too much for a small municipality.

Attorney Primo said there was a lot of input from Richard Greene, Codes Enforcement Officer. He said that Mr. Greene has been proactive in community development and changes were put in place based on his recommendations. Attorney Primo said that Syracuse has numerous properties and the Village has a quantifiable amount of rental properties that Mr. Greene can handle. Attorney Primo said it was the Board's intent that the fee be reasonable.

Dan DeLucia, 103 Norbert Place, Minoa, said that he has a rental at 132 East Avenue, Minoa. Mr. DeLucia said Fulton has a 50% rental rate with about 2,400 rentals and they inspect every five years. He said that five years was too long, but one year was too much. He said if the landlord has a good record over a period of time, the Board should consider giving them the incentive of stretching the inspection for a few years.

Eskew Young, 134 W. Kennedy Street, Syracuse, said that he is a real estate property manager and asked who would represent the property owners. He said if property managers were required by the Village they should be a licensed real estate agent or broker and asked if there was something in place to review the credentials.

Attorney Primo said that he wasn't sure, but appreciated his question and would review it carefully.

Mr. Young said that annual inspections are slightly excessive and many property problems are tenant issues and the landlord cannot technically remove the problem. He said that typically the landlord is the one who is addressed and will the Codes Enforcement Officer address the tenants if they are obviously not the landlord's problem or does it automatically go to the landlord?

Attorney Primo said it is a joint liability of the landlord and the tenant. He said there are ways to address the tenants and the landlord can address it with a property maintenance agreement.

Mr. Young said that as a property manager, it is his responsibility to take care of all problems and many tenants will not make adjustments. As an example he cited a situation where he had a tenant with 600 tires and the Codes Enforcement Officer called

him about the tires. He was informed that as the owner's agent, he would have to remove the tires. Mr. Young said many landlords feel they are being persecuted and would love to see the tenants be more responsible along with the owners. He said the proposed law becomes a financial problem on an annual basis and the Codes Enforcement Officer is often difficult. Mr. Young said he would hate to see the landlords suffer because the Village is unable to locate a few absentee landlords. He said the problem landlords will not change just because an inspection is in place. He said the inspection and the charges are not enough to correct the problem.

Attorney Primo asked Mr. Young what his experience has been in Syracuse. Mr. Young said the rates are \$150 per multi family and \$75 for single family with inspections every three years. Mr. Young suggested that the village not try bulk everyone in the same basket, not follow blindly with other municipalities, and step up with something new on their own.

Attorney Primo said the City of Syracuse has a Certificate of Compliance for five (5) years and the only alternative is to create a permit schedule. He said the Board does not want to create a financial hardship.

Mr. Young said the Codes Enforcement Officer should inspect when a violation is spotted and Attorney Primo said inspections are complaint driven. Attorney Primo said the Codes Enforcement Officer drives around in search of problems, but the Village would like it done in a more methodical manner.

Mr. Young said the good landlords will have to pay for the bad guys because they are the easiest to locate and the Codes Enforcement Officer should follow the process of manually reviewing. Members of the audience were in agreement with his statement. Mr. Young suggested that the Codes Enforcement Officer should spend more time finding the true problem landlords.

Pat Abbott, 8019 N. Kirkville Road, said he owns a two-family on DeSilva and Main Street. Mr. Abbott said he feels that going after the landlords is ridiculous when the Village cannot manage the homeowners that live in their own houses, specifically the Calarco property. He said there are problem homes that are all owner occupied and it was unfair that landlords should pay an annual fee to have their properties inspected. Mr. Abbott said these owners should also have to pay a fee to get their homes inspected and see the current plan as a way to make landlords have to pay for their problems. He said the annual fee would result in higher rents and his tenants would not be happy. Mr. Abbott said when there is a complaint about the property, and then the Codes Enforcement Officer can address the problem instead of automatically demanding the landlords to pay fees and let the Codes Enforcement Officer search their properties.

Attorney Primo said the police were at the Calarco property on numerous occasions this past summer and the Village could not have done more with that property. Attorney Primo asked Mr. Abbott if he had filed any complaints about the property and Mr. Abbott said no. Attorney Primo said the Codes Enforcement Officer is very aggressive, but needs to hear complaints. Attorney Primo then said the law was not intended to be a financial hardship to the landlord and the Codes Enforcement Officer is working through a procedure to deal with landlords who are not a problem. He said the Public Hearing will continue and with a part-time Codes Enforcement Officer, it is difficult to catch all of the problem properties with a simple drive-by.

Mr. Abbott asked if the fees would create enough revenue to get more Codes Enforcement Officers. Attorney Primo said the fees would cover the cost of each inspection.

Mr. Abbott said there is a property that is painted two different shades and doesn't know if it's a Codes problem. Attorney Primo said the same codes that you are subject to now apply and there aren't any different set of rules.

Mr. Abbott asked why owner occupied homes weren't forced to comply and Attorney Primo said owner occupied homes are more likely to be in good condition. Mr. Abbott said the majority of rental properties are in better shape than the owner occupied properties. Attorney Primo reminded the audience that the Board was not rushing into anything and they are holding the Public Hearings to get their opinions.

Trustee Champagne said the Board has been trying to come to a solution and working very hard to find a way to address all of the problems.

Mayor Donovan said the property on Greenapple Lane has been a source of trouble throughout the past summer and the issues have been addressed repeatedly, but it was difficult and many of the issues discussed have been worked on.

Trustee Theobald said that as a former landlord, he recognized the power that tenants have often prevents the landlord from inspecting the property. Mr. Young said you can notify all tenants of their rights and submit a request to inspect their property, but you might not get a response.

Mr. Cooper said all homes should be inspected and expressed concern that a part-time Codes Enforcement Officer could not handle the inspections.

Ann Clancey, the Village of Camillus, said Camillus has numerous rental properties that

are “mother in law” dwellings and asked if they would be considered an extension of the owner or as the owner. Attorney Primo said it would have to be reviewed.

Mr. Young said the Village needs to examine who is legally able to represent the property. Attorney Primo said that they would not necessarily need someone legally responsible, but acting as an agent which would give the Village jurisdiction to notify the agent.

Attorney Primo said they are concerned with truly absentee landlords not having agents available.

Mr. Young said he addresses all of the notices received for his landlords. He said if there is a person who can be responsible for a property and can be taken to court, then they are considered a manager; thus, they must be licensed as they are representing the owner.

Mr. Young said he represents many people from downstate and will often force property repairs, because the absentee owners don't usually care and don't want to spend the funds. He said the problem will continue to exist that the Village is trying to cure and the absentee landlord will not complete the necessary repairs. Mr. Young said it doesn't work to include the good landlords, because the tenants get penalized with higher rents just because the Village is trying to get the bad landlords.

Mr. Pede asked why the Housing Authority was considered an exemption and Attorney Primo their annual inspections currently meets all code requirements and to avoid duplication.

Mr. Pede said there was an instance when Mayor Regan had to get involved with a HUD project. Mayor Donovan said the Village did not have jurisdiction at the time over the HUD project and is no longer a HUD project. Mayor Donovan said our Codes Enforcement Officer people had no authority and Mayor Regan was able to get things ironed out with an assemblyman.

John Sears, 103 S. Main Street, Minoa, asked what initiated the Local Law and when the decision will be made. Mayor Donovan said the meeting would be adjourned and continued so that everyone will have a chance to respond again in the future. Mayor Donovan said the Board would like to take the time to mull over the comments received that evening. Mayor Donovan said there have been issues with property owners and they are trying to be proactive and stay on top of the problem. He said it was not an easy process and they were trying to make it painless as they go forward. Mayor Donovan said they were interested in participation.

Mr. Sears asked how the Village identifies rental properties and Trustee Brazill said the Board is working with the assessment rolls. Attorney Primo said it's difficult to get a conclusive answer and the Board has made extra effort to alert the public by advertisements, public forums, hearings and postings.

Mr. Sear said there are many that have rental properties that were not represented. Mr. Young suggested that the Village place a ½ page ad with the Post-Standard and Mayor Donovan said that ads are expensive and they are depending on news articles, legal notices, mailings and word of mouth.

Ms. Perkins asked if there was a plan to get a list of tenants on the property and Attorney Primo said that tenants come and go, so they will be inspecting the property only and not the tenant. She said the Village would be aware of any problems by police notification before she was made aware of the problem.

Attorney Primo said the responsibility is within the lease agreement as a tenant issue. He said the law would give the Codes Enforcement Officer the authority to address the tenant and the landlord. Attorney Primo recognizes that it's not perfect, but doesn't see a situation where only the tenant is addressed.

Mr. Sears asked how information will be provided to the property owners. Attorney Primo said the meeting will be on the message board and notification will be sent to the property owners. Mr. Sears said he is concerned that the word is not getting out and discussion ensued regarding property owners that he knows in the neighborhood. Mayor Donovan suggested that he let them know of the upcoming law.

Mr. Sears said he has tried to rent out their property this past summer and he is concerned about the condition of his neighborhood due to animal problems. Mayor Donovan suggested that Mr. Sears call the Clerk's Office with a complaint and the appropriate actions will be taken.

**PUBLIC HEARING  
TO BE CONTINUED**

A motion was made by Trustee Brazill and seconded by Trustee Theobald to continue the Public Hearing on November 5, 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 #7 for 2007 at 8:29 p.m. All in favor. Motion carried.

Respectfully submitted,

Suzanne M. Snider  
Village Clerk/Treasurer