

VILLAGE OF MINOA
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BOARD OF TRUSTEES
JANUARY 3, 2022

PRESENT: Mayor William F. Brazill
Trustee John M. Abbott
Trustee John H. Champagne
Trustee Eric S. Christensen
Trustee J. Robert (Bobby) Schepp
Clerk Treasurer Lisa DeVona
Attorney Courtney Hills, Esq.

ALSO DPW Superintendent Tom Petterelli, Asst. DPW
PRESENT: Superintendent Jim Landry, Fire Chief Matt McGarrity,
Dennis Erard, President MFD, Inc., Jeremiah Butchko, Tyler
Talarico, Zach Van Auken, Trevor Van Auken, Tyler
McTomany, Lenny Modelewski

Mayor Brazill opened the village board meeting at 6:30 pm and Trustee Schepp led those present with the Pledge of Allegiance.

**APPOINTMENTS
FIRE POLICE**

Trustee Champagne made a motion, seconded by Trustee Christensen to appoint the following members as Fire Police, 1/1/2022 through 12/31/2022: Nicholas Erard, Jr., Mike Lostumbo, David Abbott and Bill Bryant. All in favor; motion carried.

**LOCAL LAW
3 FOR 2021**

***LOCAL LAW 3 FOR 2021 OPTING OUT OF LICENSING AND
ESTABLISHING RETAIL CANNABIS***

Pursuant to Village Law 9-908, the village board makes motion to adopt resolution to submit the legislative act to a referendum, eliminate the need for petition and have Local Law 3 for 2021, Opting out of licensing and establishing retail cannabis in the village of Minoa appear on March 15, 2022 General Election ballot. All in favor; motion carried.

BOND RESOLUTION *WASTE WATER TREATMENT PLANT*

The following resolution was offered by Trustee Eric S. Christensen, who moved its adoption, and second by Trustee John H. Champagne to wit:

**BOND RESOLUTION DATED JANUARY 3, 2022
AUTHORIZING THE ISSUANCE OF \$9,500,000
SERIAL BONDS OF THE VILLAGE OF MINOA,
NEW YORK, TO PAY THE COST OF
RECONSTRUCTION AND IMPROVEMENTS TO
THE VILLAGE'S EXISTING WASTE WATER
TREATMENT PLANT**

RECITALS

WHEREAS, the Village is considering undertaking a capital improvement project (the "Project") consisting of reconstruction and improvements to the Village's existing waste water treatment plant, to include modifications to influent screening, grit removal, primary clarifier reconstruction, concrete repairs, trickling filter and secondary clarifier process equipment replacement, concrete repairs, reconstruction of an

existing NYSDEC permitted wetlands treatment system, sequencing batch reactors and disinfection tanks, construction of a new effluent pump station and building and concrete process tank reconstruction, as well as the acquisition of original furnishings, fixtures and equipment and payment of professional fees and all other necessary costs incidental to such work; and

WHEREAS, a long form Environmental Assessment Form (“EAF”), dated September 20, 2021 was prepared by the Miller Engineers (the “Village Engineer”), to facilitate a review of the potential environmental impacts of the Project; and

WHEREAS, following a careful review of the nature and scope of the Project as set forth in the EAF, and the recommendations provided by the Village Engineer, by resolution adopted on September 20, 2021 the Board of Trustees of the Village (a) initially classified the Project as a Type I Action as that term is defined in Part 617.2 of the Regulations, (b) declared its intention to serve as lead agency to undertake a coordinated review of the Project, and (c) circulated notice to all involved and interested agencies of the Village’s intent to act as lead agent pursuant to the Regulations together with a copy of the EAF; and

WHEREAS, a notice of its intent to act as the SEQRA lead agency for environmental review of the Project was subsequently circulated to all involved and interested agencies and the period for involved agencies to object to the Village’s intention to assume the role of SEQRA lead agency expired without such objection; and

WHEREAS, following additional review of the nature and scope of the Project as set forth in the EAF, and the recommendations provided by the Village Engineer, by resolution adopted on January 3, 2022, the Board of Trustees of the Village (i) declared itself lead agency with respect to the environmental review of the Project, (ii) concluded that the proposed action will not result in any significant adverse impacts to the environment, (iii) issued a Negative Declaration with respect to the Project; and

WHEREAS, the Board of Trustees of the Village now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE BE IT RESOLVED ON JANUARY 3, 2022 BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MINOA, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. Undertaking a capital improvement project consisting of reconstruction and improvements to the Village’s existing waste water treatment plant, to include modifications to influent screening, grit removal, primary clarifier reconstruction, concrete repairs, trickling filter and secondary clarifier process equipment replacement, concrete repairs, reconstruction of an existing NYSDEC permitted wetlands treatment system, sequencing batch reactors and disinfection tanks, construction of a new effluent pump station and building and concrete process tank reconstruction, as well as the acquisition of original furnishings, fixtures and equipment and payment of professional fees and all other necessary costs incidental to such work, at a maximum estimated cost of \$9,500,000, including all legal and professional costs and other necessary appurtenances and all other necessary costs incidental to such project, which is estimated to be the total cost thereof, is hereby approved.

Section 2. To pay the cost of the Project, including incidental equipment and expenses in connection therewith, there are hereby authorized to be issued \$9,500,000 serial bonds of the Village pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the aggregate maximum estimated cost of the aforesaid objects or purposes described in Section 2 hereof is \$9,500,000, and that the plan for the financing thereof is the issuance of up to \$9,500,000 serial bonds herein authorized, subject to permissive referendum, to be issued therefore pursuant to the provisions of the Local Finance Law, and the application, if and when available, of state and/or federal assistance available or to any revenues available for such purpose from any other source. The bonds and notes authorized hereby may be issued to the United States Department of Agriculture, Office of Rural Development, or any of its related offices or agencies, the New York State Environmental Facilities Corporation under any of its revolving fund programs or any purchaser in accordance with the provisions of the Local

Finance Law. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty (40) years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such bonds and notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The full faith and credit of said Village of Minoa, New York, is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, an annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year and there shall annually be levied on all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Minoa, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. The Village Treasurer is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation and/or the United States Department of Agriculture – Rural Development, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described herein, or a portion thereof, by a bond, and/or note issue of the Village in the event of the sale of same to the New York State Environmental Facilities Corporation or to such other entity as may be designated by the United States Department of Agriculture – Rural Development as part of the FMHA Community Loan Programs. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such

form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 10. The Village reasonably expects to reimburse itself for expenditures made for the Project out of the Village's General Fund from the proceeds of the bonds or notes herein authorized. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2.

Section 11. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein. Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. The law firm of Trespasz & Marquardt, LLP is hereby appointed bond counsel to the Village in relation to the issuance of the bonds and notes authorized hereunder.

Section 14. This resolution shall be subject to permissive referendum and a summary hereof shall be published by the Village Clerk as provided by Village Law Section 9-900. This resolution shall become effective 30 days after its adoption. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Village Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

WHEREFORE, the foregoing Bond Resolution was put to a vote of the members of the Board of Trustees of the Village on January 3, 2022, the result of which vote was as follows:

<u>TRUSTEE</u>	<u>VOTE</u>
William F. Brazill, Mayor	<u>Yes</u>
John H. Champagne, Deputy Mayor	<u>Yes</u>
John M. Abbott	<u>Yes</u>
Eric S. Christensen	<u>Yes</u>
J. Robert Schepp	<u>Yes</u>

The resolution was thereupon declared duly adopted.

**2022 – 2023
BUDGET
WORKSHOPS**

Trustee Champagne made a motion, seconded by Trustee Abbott to hold 2022 – 2023 Budget Workshops on February 3rd, 10th, 17th at 6pm in board room. All in favor; motion carried.

**CLERK-
TREASURER**

MEETING MINUTES – DECEMBER 20, 2021
Tabled.

ELECTION***MARCH 15, 2022***

Trustee Christensen made a motion, seconded by Trustee Schepp to adopt resolution identifying Municipal Building, Board Room, 240 N. Main Street, Minoa NY as the pooling place for march 15, 2022 General Election and hours and polls to be open 12:00 noon until 9:00pm. All in favor; motion carried.

**COMMUNITY
DEVELOPMENT**

Trustee Abbott made a motion, seconded by trustee Schepp authorizing Mayor to execute \$38,000.00 Community Development Contract #17121 with Onondaga County for Sidewalk Replacement Phase V (Elm Street). All in favor; motion carried.

**FIRE
DEPARTMENT*****RESIGNATION – DAVID GIOCONDO & SKYLAR POULETTE***

Trustee Christensen made a motion, seconded by Trustee Champagne to approve resignation of David Giocondo and Skyler Poulette effective immediately. All in favor; motion carried.

TRAINING REQUEST – EMPIRE SAFETY

Trustee Champagne made a motion, seconded by Trustee Schepp to approve Empire Safety to provide Hazmat, Workplace Violence, Harassment & Discrimination, January 31, 2022, 9am – 7pm, \$800.00. All in favor; motion carried. All in favor; motion carried.

**PUBLIC HEARING
LL #1 FOR 2022*****LL #1 FOR 2022 – CHAPTER 42 ENTITLED “ANIMALS” TO AMEND REGULATIONS AND RESTRICTIONS ON KEEPING OF ANIMALS WITHIN THE VILLAGE***

Trustee Champagne made a motion, seconded by Trustee Christensen to waive the reading of legal notice and open the public hearing. All in favor; motion carried.

Mayor Brazill opened the public hearing at 6:39pm

Mayor Brazill opened hearing to public comment:

Jeremiah Butchko, 240 S. Main Street stated he is in favor of the local law however the property size excludes his property from having chickens along with almost 75% of village parcels.

Attorney Hills stated the lot size limitation is ¼ acre.

Trustee Champagne stated he has spoken with a lot of residents not in favor of chickens in the village, country setting is more appropriate and feels because of the smell/odor chickens can bring it is a quality of life issue.

Trustee Christensen agreed with Trustee Champagne regarding the smell issue this brings.

Jim Landry, Asst. DPW Superintendent asked if other neighboring villages have that issue.

Trustee Schepp stated he feels this local law is a good thing, benefits outweigh

negatives and Code Enforcement would deal with any issues that arise.

Trustee Abbot stated he's 50/50 on the issue.

With no further questions or comments from the public or board Trustee Champagne made a motion, seconded by Trustee Christensen to close the public hearing. All in favor; motion carried.

Mayor Brazill closed the public hearing at 6:48pm.

Trustee Champagne made a motion, seconded by Trustee Christensen not to adopt LL #1 for 2022.

VOTE:

Yes - Trustees Champagne, Christensen, Abbott

No – Trustee Schepp

LL#1 for 2022 was not adopted.

**AUDIT OF CLAIMS
ABSTRACT #015**

A motion was made by Trustee Christensen and seconded by Trustee Schepp that the claims on **Abstract #015** in the amount of General Fund \$43,675.97 (Vouchers 577 - 605), Sewer Fund \$8,469.03 (Vouchers 214 - 225), Trust & Agency \$30,369.10 (Vouchers 182 – 192) for a total of \$82,514.10; All in favor; motion carried.

**PUBLIC
COMMENT**

No comments from the public were recorded.

**EXECUTIVE
SESSION - IN**

Trustee Christensen made a motion, seconded by Trustee Champagne to enter into Executive Session for the medical, financial, credit, or employment history of a particular person or corporation, r matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. All in favor; motion carried.

Mayor Brazill invited Fire Chief Matt McGarrity and Dennis Erard into Executive Session.

The board entered Executive Session at 6:50pm.

**EXECUTIVE
SESSION - OUT**

Trustee Champagne made a motion, seconded by Trustee Schepp to enter into Regular Session. All in favor; motion carried.

The board entered into Regular Session at 8:20pm.

ADJOURNMENT

A motion was made by Trustee Champagne and seconded by Trustee Schepp to adjourn the village board meeting at 8:20pm. All in favor. Motion carried.

Respectfully submitted,

Lisa L. DeVona

Lisa L. DeVona, Clerk-Treasurer