

The regular meeting of the Village of Liverpool Board of Trustees was held on Tuesday January 19, 2016 at 7:00 PM at 310 Sycamore Street, Liverpool, NY

Present:	Gary White	Mayor
	James Rosier	Trustee
	Dennis Hebert	Trustee
	Christina Fitch	Trustee
	John Langey	Attorney
	Greg Sgromo	Engineer
	Mary Ellen Sims	Village Clerk
Absent:	Nick Kochan	Trustee

Mayor White called the meeting to order at 7:00 PM and all those present joined in the pledge of allegiance.

**Continued Public hearing on Local Law F- 2015 - a Local Law to amend Chapter 380 of the Code of the Village of Liverpool- Section 380-9 thereof so as to amend the zoning map of the Village of Liverpool to designate certain property as being zoned multiple family residential (R-1 to R-3)**

Attorney John Langey stated that the only piece of information that was not presented at the last meeting is the Onondaga County Planning Boards comments. He recapped the comments as follows:

- The Village and applicant must contact NYS Thruway Authority to provide a drainage study and plans to mitigate run off
- A site lighting plan must be provided to the NYS Thruway Authority
- Thruway Authority will not install noise abatement
- Signage may require Advertising Device (AD) Permit from the NYS Thruway Authority
- Village and applicant must continue to coordinate with the Onondaga County Department of Transportation regarding the scope of the traffic study, proposed access to Tulip Street and any permits for driveways and /or work in the County Right of Way
- Municipality must submit a copy of the Storm Water Pollution Prevention Plan and /or drainage reports or studies to the Onondaga County DOT
- Applicant must submit lighting plan
- Applicant contact Dept. of Water Environmental Protection to determine sewer availability
- Applicant encouraged to reduce storm water runoff and improve storm water quality
- Applicant contact US Army Corps of Engineers to determine location of wetlands
- Consider full cross connection between proposed apartment complex and Donald Place
- Consider bicycle and pedestrian connectivity to nearby transit , landscaping buffering green infrastructure
- Continue to coordinate with the Town of Salina during site planning process

Attorney Langey stated that until a full environmental review is completed, this board cannot make any determination. The developer will use their own traffic engineer; however the Village Engineer will perform a thorough review of his own.

A resident of the Johnson Tract stated that there are private covenants in place and that the homeowners in that tract also have rights under the covenants.

Attorney Langey stated that the planning board cannot review any restrictions as stated in the covenants.

Mayor White asked if there were any questions. Hearing none, he stated that the Village Board will be working in tandem with the Planning Board as this proposed development goes forward. The Village Board decided to close this public hearing and will re-advertise a new public hearing when all the

information is received from the applicant. The public will have additional opportunity to address the Board at the public hearings of the Planning Board and the future public hearings of the Village Board regarding this application.

Motion was made by Trustee Rosier, seconded by Trustee Hebert, to close the public hearing on Local Law F- 2015 - a Local Law to amend Chapter 380 of the Code of the Village of Liverpool- Section 380-9 thereof so as to amend the zoning map of the Village of Liverpool to designate certain property as being zoned multiple family residential (R-1 to R-3), pending further information being received from the applicant. Motion Passed.

Mayor White suggested that interested persons email the Village Clerk to be placed on an email list for future notices regarding this application.

Marvin Meyer, part owner of the parcel 1225 Tulip Street, submitted a letter from the Department of Transportation, dated January 11<sup>th</sup> 2016, that corrects the letter from the DOT, dated November 10, 2014. The letter states that the DOT has determined that the access location at 1225 Tulip Street meets site distance requirements. The letter is NOT a permit for a driveway, strictly a confirmation of the site distance requirements. The letter states " If Mr. Meyer's project is subject to local planning board approvals, documentation confirming those approvals must be presented along with Mr. Meyer's permit application before an access permit can be issued.

#### **Correspondence / Residents wishing to speak- none**

#### **Discussion Tax Cap Override**

Mayor White explained that the tax levy limit is not 2% but rather a formula using the tax base growth factor and the allowable levy growth factor. This year, the tax base growth factor is 1.0054 for the Village of Liverpool and the allowable levy growth factor is 1.0012. This tax levy limit override law would protect the Village from huge penalties if we go over that percentage. Every year, the Village passes this law but has never gone over the tax levy limit. Last year, the Village repealed the law, thus allowing our residents to receive a tax rebate check, as part of the program for staying within the allowable limit.

Trustee Fitch stated that she feels that adopting the tax levy limit override at this time is premature. She feels that the tax cap levy override law should be done in coordination with the budget process. If the Village sees that they may exceed the tax levy limit, then the law should be put into place. She feels that the adoption of this law should not be done as a precautionary measure, rather along with the budget process.

Mayor White explained that there is no downside to enacting this law at this time.

#### **Resolution introducing Local Law A- 2016 "Overriding the tax levy limit"**

Trustee Rosier introduced proposed Local Law No. A-2016, relating to the ability of the Village of Liverpool to override the limit on the amount of real property taxes that may be levied by the Village of Liverpool pursuant to General Municipal Law §3-c, and to allow the Village of Liverpool to adopt a Village budget for the fiscal year 2016 in excess of the "tax levy limit," and made the following motion, which was seconded by Trustee Hebert:

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Village of Liverpool, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Village Trustees shall act as lead agency in this matter; and

**WHEREAS**, the Village Board of Trustees has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**NOW, THEREFORE, IT IS**

**RESOLVED AND DETERMINED**, that the enactment of this proposed local law is an unlisted action under SEQR, that there are no other involved agencies and the Village Board shall act as lead agency; and it is further

**RESOLVED AND DETERMINED**, that the Village Board of Trustees shall conduct a public hearing as to the enactment of proposed Local Law A-2016 at the Village of Liverpool Village Hall, 310 Sycamore Street, Liverpool, New York on February 29, 2016, at 7:01 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Hon. James Rosier	Trustee	Voted	Yes
Hon. Dennis Hebert	Trustee	Voted	Yes
Hon. Christina Fitch	Trustee	Voted	No
Hon. Gary White	Mayor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

Trustee Fitch feels that we should wait to enact the law closer to the adoption of the budget.

Mayor White stated that the budget is adopted at the end of April and that there would not be enough time to enact the law if we wait. The law needs to be introduced; public hearing held and adopted prior to the budget being adopted.

**Call public hearing for Local Law A- 2016 for February 29<sup>th</sup> 2016 at 7:01 PM**

Motion was made by Trustee Rosier, seconded by Trustee Hebert to call a public hearing on local law A-2016 for February 29<sup>th</sup> at 7:01 PM.

Roll call vote:	Trustee Rosier	Yes
	Trustee Hebert	Yes
	Trustee Fitch	No
	Mayor White	Yes

Motion Passed.

**Recommendation from the Planning Board to amend Section 380-41 of the Code of the Village of Liverpool**

**Planning Board Recommendation as follows:**

“Based upon the initial presentation to the Planning board from the applicant for a proposed Dunkin Donuts restaurant with drive-thru, it is the general consensus of the Planning Board to amend the code to allow restaurants to be included via Special Use Permit.

The proposed restaurant is in a commercial location and not near residential zones. By allowing the change and requiring a special use permit for the drive-thru, the Planning board believes we will be able to maintain control over any future cases that may come before the Board.

It is the recommendation of the Planning Board to move forward with the zone change amendment.”

**Request from Robert Abbott Jr. Architect representing ESW Realty LLC for a modification to the current chapter 380-41 to allow for restaurants with drive-through services upon issuance of a special permit.**

Bob Abbott, Jr. representing ESW Realty LLC, explained that there is a purchase option to purchase the old Seneca Federal Savings Bank and the parcel that was once Venesky Appliances, located at 105-113 Second Street. The proposed plan is to construct a new building, 2400 Square feet for a proposed Dunkin Donuts. He stated that approximately 50- 60% of their business is drive-thru.

Currently, the B-2 zone only permits drive-through for banks. The applicant is requesting the Village to change the existing code to permit drive-through for restaurants, with a Special Use Permit.

Currently, there are three curb cuts and the applicant is proposing only one curb cut. All the details regarding site plan will be addressed with the Planning Board. Architectural design, ingress, egress of the site and signage will be discussed at the Planning Board level.

Mayor White asked for comments from the Board:

Trustee Rosier stated that he is comfortable with the proposed change as it relates to this case.

Trustee Fitch stated that the Village needs to look at all B-2. She stated that she would like to see the parcel developed.

Trustee Hebert stated that he is concerned about the egress and ingress and traffic flow but all the details will be worked out by the Planning Board during site plan process.

Special Permits run with the land, not with the current owner of the parcel.

The Following resolution was introduced:

Trustee Rosier introduced proposed Local Law No. B-2016, “A Local Law to Amend Chapter 380 of the Code of the Village of Liverpool to Allow for Drive-Thru Services for Restaurants in the Village B-2 (Village Center Business) District Subject to the Issuance of a Special Permit,” and made the following motion, which was seconded by Trustee Hebert:

**WHEREAS**, proposed Local Law B-2016 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the adoption of said Local Law is a Type I action for purposes of environmental review under SEQR; and

**WHEREAS**, the Village Board of Trustees has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said full EAF has been prepared and has been reviewed by the Village Board; and  
**WHEREAS**, the Village Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE, IT IS**

**RESOLVED AND DETERMINED** that the enactment of this proposed Local Law is a Type I Action under SEQR, and it is further

**RESOLVED AND DETERMINED** that no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Village of Liverpool, such that there are no other involved or interested agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local law, with the result that the Village Trustees shall act as lead agency in this matter; and it is further

**RESOLVED AND DETERMINED**, that the Village Board of Trustees of the Village of Liverpool has reviewed the Full Environmental Assessment Form and hereby determines the proposed action will not have a significant adverse effect on the environment and this resolution hereby adopts the Negative Declaration attached hereto for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. for the reasons contained herein and in the appended Attachment "A"; and it is further

**RESOLVED AND DETERMINED** that the Village's legal counsel, distribute and publish the attached Negative Declaration pursuant to the requirements of 6 N.Y.C.R.R., Part 617; and it is further

**RESOLVED AND DETERMINED** that the Village Board of Trustees shall conduct a public hearing as to the enactment of proposed Local Law B-2016 at the Village of Liverpool Village Hall, 310 Sycamore Street, Liverpool, New York on February 29, 2016, at 7:01 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

<b>Hon. James Rosier</b>	<b>Trustee</b>	<b>Voted</b>	<b>Yes</b>
<b>Hon. Dennis Hebert</b>	<b>Trustee</b>	<b>Voted</b>	<b>Yes</b>
<b>Hon. Christina M. Fitch</b>	<b>Trustee</b>	<b>Voted</b>	<b>Yes</b>
<b>Hon. Gary White</b>	<b>Mayor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing Resolution was thereupon declared duly adopted.

Motion was made by Trustee Rosier, seconded by Trustee Hebert, to set a public hearing for February 29<sup>th</sup> at 7:02 Pm for Local Law B- 2016 to amend Chapter 380 of the code of the Village of Liverpool to allow for drive-thru services for restaurants in the Village B-2 District subject to the issuance of a Special Permit.” Motion Passed.

### **Resolution for policy for the Utilization of Professional Services by Village of Liverpool Board Members, Department Heads and Staff**

Mayor White introduced the resolution for policy for the Utilization of Professional Services by Village of Liverpool Board Members, Department Heads and Staff. This resolution, if adopted would be added to the Village Procurement Policy and reviewed each year at the organizational meeting.

The proposed policy states, in part, that prior to utilization of professional services any individual member of the Village of Liverpool board of Trustees ( exclusive of the Mayor and Deputy Mayor) shall first obtain verbal or written authorization from the Village Mayor for the engagement of such services and that . other department heads and staff shall obtain written authorization.

Mayor White asked for comments from the Board:

Trustee Fitch feels that there could be outside possibilities that the Mayor and/or Deputy Mayor could not be reached and that there could be a conflict with the proposed policy.

Trustee Rosier agreed with the policy and that there is a need for some control to the costs that are incurred utilizing professional services without authorization.

Trustee Hebert commented that there has never been an issue that could not be addressed by the Mayor and/or Deputy Mayor and feels that the policy would be effective in controlling costs.

A suggestion was made to the possibility of adding a section that if the Mayor and/or Deputy Mayor could not be reached, the consensus of any three Village Trustees could be used to engage professional services.

Mayor White tabled the adoption of the resolution and this will be on the February agenda.

### **Village Elections**

The Village has always used the old style lever machines for voting. The old machines are no longer in use. The Village has options for the elections and has decided to use paper ballots and hand count them. The last three elections have had under 100 voters and it would be feasible to be able to hand count them. This is the least expensive means to hold the Village Elections, without having to turn the Election process over to the County and change the date for the June election to the November election.

All Trustees present are in agreement with the use of paper ballots and hand counting them.

### **Discussion on part time court clerk Salary will be discussed in executive session.**

### **DPW STATS**

Trustee Fitch gave the following recap of DPW:

8 UFPO's marked

5 Sewer Maintenance Calls handled by County

No Sewer repairs

No Banner pole requests

Sign request for Liverpool Masons Easter Egg Hunt in Johnson Park March 26<sup>th</sup> 9AM to 12:00 PM approved.

Park request – Liverpool Masons Easter Egg Hunt Johnson Park March 26<sup>th</sup> 9:00 AM to 12:00 Pm approved

Relay for Life Bark for Life Event April 30<sup>th</sup> 12:00 Pm to 3:00 Pm Johnson Park approved.

Motion was made by Trustee Fitch, seconded by Trustee Rosier to hire Curtis Asmus as a public works maintenance worker full time for an hourly salary of \$ 10.80, with a probationary period as stated in the Teamsters contract and with the condition that Curtis obtains his CDL License within one year of his full time employment with the Village of Liverpool. Motion Passed.

Discussion ensued as to the need for additional CDL drivers, especially in the winter months to help plow snow. There are a number of retired Town and State Employees that have their CDL licenses and the suggestion was made to compile a list and employ them part time on an as needed basis. Trustee Fitch will meet with Bill Asmus to discuss.

### **POLICE STATS**

Trustee Rosier read the following STATS for the police department:

176 Traffic Stops  
127 Traffic tickets issued  
14 Accidents Investigated  
23 Parking Tickets issued  
196 Residential Property Checks  
476 Incidents

Overnight parking is prohibited on al highways within the Village between 12:00 AM and 8:00 AM from November 1<sup>st</sup> to April 15<sup>th</sup>. However, parking of a vehicle in the Village Business District is hereby prohibited between the hours of 2:00 AM and 8:00 AM from November 1 to April 15<sup>th</sup>.

### **CODES STATS**

Mayor White presented the Codes STATS to the Board for their review.

### **Outstanding Issues**

Mayor White read the list of outstanding issues and any mitigation that have taken place. The outstanding issue list will be presented at each meeting with any updates or additions.

### **Trustee Hebert presented the following Financial Reports:**

Trustee Hebert moved and Trustee Rosier seconded the approval of Abstract # 08 General Fund vouchers # 406-459 in the amount of \$83,512.99, Abstract # 8 Sewer Fund G , voucher # G-460 in the amount of \$ 23,961.50and Abstract # 8 CM fund , voucher # 461 in the amount of \$ 1,008.00 Motion Passed.

### **Transfers**

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to approve the following transfers:

From	To	Amount	Number
A1110.44	A1110.4	273.30	1
A1110.44	A1110.42	74.52	2
A1325.43	A1325.42	75.00	3
A1420.4	A1420.41	550.20	4
A3120.4	A3120.42	75.00	5
A5010.46	A5010.4	190.28	6
A8010.4	A8010.46	265.00	7
A8020.4	A8020.46	125.00	8
A1990.4	A8510.4R	580.00	9

Motion Passed.

Budget Schedule was presented and discussed. Budget worksheets will be distributed to the Department heads the first week of February.

Exit Interview with the Auditors will be held soon.

Trustee Hebert asked what the outcome was with replacing street lights with LED lights. Trustee Fitch will check with Bill Asmus

**Approve Minutes**

Motion was made by Trustee Fitch, seconded by Trustee Hebert, to approve the minutes of December 21, 2015 Motion Passed.

**Executive Session**

Motion was made by Trustee Rosier, seconded by Trustee Hebert, to enter into executive session for the purpose of personnel and contract issues and to invite Judge Anthony LaValle into such session. Board entered into executive session at 8:40 PM. Motion Passed.

Motion was made by Trustee Hebert, seconded by Trustee Rosier, to move out of executive session and return to regular session. Motion Passed.

Motion was made by Trustee Rosier, seconded by Trustee Hebert, to set the hourly wage for a part time court clerk 1 at the rate of \$12.00 an hour, with a probationary period of 90 days at which time Judge LaValle will perform an evaluation and assessment with the possibility of a raise after 6 months for an additional \$.25 an hour. Motion Passed.

Judge LaValle is currently utilizing full time court clerks from another Village until a part time clerk is hired on a permanent basis. They are working a few hours a week, only when their own schedules permit.

Mayor White would like to be able to hire these temporary persons on as needed basis and have them be on the payroll for the Village of Liverpool. Clerk Sims will check with Civil Service on this issue.

**Adjournment**

Motion was made by Trustee Hebert seconded by Trustee Fitch, to adjourn the meeting. Meeting was adjourned at 9:06 PM. Motion Passed.

Respectfully submitted,

Mary Ellen Sims  
Village Clerk Treasurer