

The regular meeting of the Village of Liverpool Board of Trustees was held on Thursday April 14, 2016 at 6:00 PM at 310 Sycamore Street, Liverpool, NY

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

Also Present:	Donald Morris	Police Chief
	Anthony LaValle	Village Justice
	Colleen Gunnip	Councilwoman Town of Salina
	Russ Tarby	Eagle Newspaper

### **Promotion of Officer Unger**

Chief Morris stated that the Liverpool Police Department has an opening for Sergeant. Officer Gerald E. Unger is currently on the Onondaga County Police Sergeant list # 70057. Officer Unger joined the LPD on May 28, 2009. Officer Unger is a certified NYS Police General Topics Instructor, a Taser Instructor, a Breath Analysis Instructor, a S.P.E.A.R. Instructor and one of our NYS DCJS certified Field Training Officers.

Chief Morris, Officer Unger and his family came to the front of the room for the promotion of Officer Unger to Sergeant. Chief Morris read the Oath of Office to Officer Unger and Officer Unger placed his right hand on the Bible and repeated the Oath.

Officer Gerald E. Unger was promoted to the position of Sergeant for the Village of Liverpool Police Department effective immediately with a probationary period of one year.

All Board members and members of the public congratulated Sergeant Gerald Unger.

### **Correspondence**

The only correspondence received was a letter to the Board from L. Lamula opposing the proposed drive-thru for Dunkin Donuts.

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

#### **Public hearing 2016-2017 Budget**

Motion was made by Trustee Hebert, seconded by Trustee Kochan, to open the public hearing on the 2016-2017 Village Budget. Motion Passed.

Village Clerk presented a tentative 2016- 2017 budget on March 18<sup>th</sup> 2016. The Tentative Budget increased the tax rate by 4 %, raising the tax rate from \$ 12.45 to \$ 12.95. Capital purchases totaled \$ 101,000 for the purchase of a police vehicle for \$ 30,000, a dump box for \$ 36,000 and the proposed lease of a new garbage truck for a five year lease payment of \$ 35,000

The Tentative budget did not include the transfer of \$ 85,000 for the debt payment on the Drainage project. This Tentative budget would take \$ 37,128.85 from fund balance to balance the budget.

At the April 4<sup>th</sup> Budget work session, the Tentative Budget was reviewed and the following changes were made:

- Tax rate lowered to the same rate as last year- keeping the tax rate flat at \$ 12.45 per thousand
- Transfer of \$ 85,000 from the Drainage Project to cover the debt payment. The drainage project, called Balsam, Third and Hiawatha Trail, was closed out and there is approximately \$ 188,000 left in the fund to be utilized in the coming years to help pay the debt service. There are 4 years of payments left, totaling \$375,000.
- The police vehicle, DPW dump box and the Lease of a garbage truck remained in the budget.
- This model would take no money from our fund balance.

After discussions, the Board decided that they would like to have the tax rate remain flat, with no increase in rate.

The 2016- 2017 Budget, subject of this public hearing is as follows:

- Budget total                      \$ 2,362,405.76
- Tax Rate                              \$ 12.45 ( no increase)
- Police Vehicle, DPW Dump Box and Lease are in the Budget and will remain as capital expenditures.
- \$ 14,964.03 will be taken from unexpended fund balance to balance the budget
- Only approved raises at this time are the DPW Teamsters Union, per the contract
- \$ 85,000 will be transferred from HD Project to General Fund to pay the debt principal due next year.

2016-2017 Sewer fund Budget

- Total Sewer fund Budget              \$ 179,000
- Sewer rents will remain flat at \$ 130.00 per unit
- \$ 14,728 will be taken from fund balance to balance the budget

Mayor White asked if there were any questions from the board:

Trustee Fitch asked about salary increases for employees. Mayor White stated that there is a contingency line in the budget for raises. He commented that the PBA Agreement is up for renewal and that salaries will be decided upon before the next fiscal year begins.

Mayor White asked for any comments from the public:

Anthony LaValle, 101 Tulip Street, asked how much was in the fund balance. Mayor White responded that there is \$ 569,000 in unreserved fund balance. Mr. LaValle asked why the Board does not take some of fund balance to lower the taxes.

Mayor White responded that the Village has always relied on our auditors to guide us in the amount of fund balance that should be kept. The Village has a reasonable fund balance.

Dick Ward, 309 Fourth Street, asked if the current budget includes Court. Mayor White responded that it does include Court Expenses and projected revenues.

Hearing no questions, Mayor White asked for a motion to close the public hearing on the 2016-2017 Budget.

Motion was made by Trustee Hebert, seconded by Trustee Fitch to close the public hearing on the 2016-2017 Budget. Motion Passed.

Motion was made by Trustee Hebert, seconded by Trustee Rosier, to pass the following resolution to adopt the 2016- 2017 Village Budget:

WHEREAS, the Board of Trustees did receive on March 18, 2016, a tentative General Fund Budget and Sewer Fund Budget for the 2016-2017 Village fiscal year and be and

WHEREAS, a public hearing on such budget was held on April 14, 2016, thereby, be it

RESOLVED, that the General Fund Budget in the amount of \$2,362,406 and Sewer Fund Budget in the amount of \$ 179,000 for a total budget of \$2,541,406, utilizing \$14,964.00 from unexpended general fund balance and \$ 14,728 from unexpended sewer fund balance to be used for capital purchases of a police vehicle for \$ 30,000 and the lease of a garbage truck for \$ 35,000 for five years in the general fund and hereby is adopted setting a tax rate of \$12.45 per thousand of assessed valuation and setting sewer rates at \$130.00 per unit and that the tax rate of \$12.45 per thousand depicts no increase in tax rate per thousand .

Motion Passed.

#### **Sean Carroll – Purchasing Dept. Onondaga County**

Sean Carroll, Onondaga County Purchasing addressed the Board regarding the potential covering for Johnson Park Stage. Mr. Carroll was approached by Trustee Fitch to help the Village with the bid process for a covering over Johnson Park Stage.

Sean Carroll has offered his services to help the Village find the best way to cover the stage, utilizing the \$ 40,000 grant money that the Village has been awarded for this project. The span of the stage is 50' across. The maximum span for a covering is 27' without having a post. The 50 'span is the biggest concern. Mr. Carroll is looking for guidance from the Village Board.

Mayor White asked Russ Tarby and Colleen Guinup, Liverpool is the Place members, how small of an area could we get away with covering. Colleen responded 27' would cover a good amount of the stage. It would protect the equipment and the back electrical wall from rain.

Mayor White commented that there is permanent wire structure covering the solar Street stage. He stated that the stage is bigger than our stage and it fends the weather off very well. Mr. Carroll states that he could pursue a covering similar to the Solar Street stage and could track down the vendor.

Trustee Kochan stated that it seems like the Village is not sure what type of covering we want. Do we want a retractable roof or a permanent roof?

Mr. Carroll stated that a retractable roof costs more but that all options will be investigated. Mr. Carroll will continue to pursue options and report back to the Board at the May 16<sup>th</sup> Board Meeting.

#### **Discussion Village Cemetery Committee Request**

Mike Romano addressed the Board regarding the Village Cemetery Committee request for the repair of the Cemetery Wall. Mr. Romano talked with the Village Engineer and it was confirmed that the wall is

more structurally sound than he thought it was. The Cemetery committee has no desire to have this area by the wall a roadway.

Next phase of the Cemetery restoration project will be to apply for another grant. The first grant request was denied. This grant will be written by Kelly Romano, Dorianne Gutierrez and Mary Ellen Sims, which will save the Village money.

Mike Romano sent a letter to the Village, dated April 7<sup>th</sup>, with a request to repair the Cemetery Wall by CNY Build Construction. It has been generally accepted that the most identifiable feature of the Village Cemetery is the Cobblestone wall on Tulip Street. The wall is in need of immediate repair, to that extent, the Liverpool Village Cemetery committee has attempted to get cost estimates to complete these repairs. They contacted Eddie's Masonry Contractor, James and Sons Alibrandi and CNY Build Construction. CNY Build Construction has been the only business to respond. His estimate is \$ 7,500.

The Liverpool Village Cemetery Committee would like to recommend that this vendor be approved for the repair of the Cemetery Wall and expend Village Cemetery Fund money.

Mayor White asked if the Committee has talked to Bill Asmus and suggested that the Committee invite Bill to the next meeting.

Trustee Kochan stated that he is pleased with the proposal to repair the wall,

Trustee Hebert commented that he feels the cost to repair is very reasonable.

Trustee Rosier stated that it is very hard to find a mason and feels that this proposal is very good.

Trustee Fitch commented that it is very important to preserve the wall. She commented that the procurement policy of the Village would need to be followed.

Trustee Kochan suggested that the Village Board approve the quote based on the required insurance being obtained and sent to the Village, listing the Village as an additional insured, be sure the Engineer is on board, few days' notice to be given to the Village prior to starting the project and based on Bill Asmus, Superintendent being notified.

Motion was made by Trustee Kochan, seconded by Trustee Hebert to authorize CNY Build Construction to repair the wall based on the above conditions for a cost not to exceed \$8,000. Motion Passed.

#### **Further discussion on future of Court**

Mayor White asked the Village Board to continue the discussions on the future of the Court.

Mayor White stated that Trustee Kochan and Trustee Rosier met with Town of Salina representatives and the Town of Salina Comptroller to discuss Court expenses. The Village residents contribute a total of \$ 21,300 toward the Town of Salina court and also, through Village taxes contribute to the Village court. The Village residents are paying twice for the same service.

There have been ongoing discussions of the possibility of combining the Town of Salina Court and the Village Court.

Trustee Kochan commented that the Village needs more information from the Court so that the operations can be analyzed and reviewed. To date, we do not have this very critical information. Last year, the Village Court cost approximately \$ 31,000 to operate.

Mayor White commented that the Bonadio Group is currently doing an audit of the Court Department, due to the change in personnel. Mayor White asked the Bonadio Group to take a look at the revenues for the Court over the last few years and see where it is trending. Mayor White asked Bonadio Group to look at where it is going in the next few years.

Mayor White commented that over 90% of the Court cases are not Village residents. Mayor White asked if having the Court really benefits the Village residents.

The decision to abolish the position of the Village Justice and abolish the Village Court is a timing issue. Abolishment of the position can only be done at the end of the current Judge's term. Judge LaValle's term ends July 4<sup>th</sup> 2016 at noon. Mayor White said that the timing is unfortunate but if we wait another 4 years, the Village will continue to lose revenues from the operation of the Court. The Village Board can vote to eliminate the position and it would need to be done by April 18<sup>th</sup>. The Village board could adopt a resolution to abolish subject to permissive referendum.

Trustee Rosier commented that the Consensus report is putting a lot of pressure on Villages to combine services.

Trustee Hebert commented that he has seen the cost of the Court over the last four years. The Village met with the Town of Salina and confirmed that the Village residents are paying the Town for their Court and the Village for our Court. Trustee Hebert has reached out to the Mayor's Association and he has come up with a resolution to abolish the position of Village Justice and to abolish the Court.

Trustee Hebert offered the following resolution:

**A RESOLUTION TO ABOLISH THE OFFICE OF VILLAGE COURT JUSTICE AND TO  
DISSOLVE THE VILLAGE JUSTICE COURT**

The following resolution was offered by Trustee Hebert, who moved its adoption, seconded by Trustee Kochan, to wit:

**WHEREAS**, the Village of Liverpool and Town of Salina have, as part of their continuing efforts to identify cost savings and potential consolidation of municipal services for the benefit of taxpayers have undertaken a comprehensive evaluation and analysis of the economic practicality of maintaining the Village of Liverpool Court system and the impacts, both positive and negative, upon the village and town residents and taxpayers if the Village Court were to be dissolved; and

**WHEREAS**, previously (in or around the fall of 2015) the Village of Liverpool Board of Trustees met jointly with Town of Salina officials to explore methods for consolidation and cost saving opportunities; and

**WHEREAS**, among those items discussed were the sharing of computer software services and justice court consolidation as a means of cost savings; and

**WHEREAS**, pursuant to Section 3-301(2)(a) of the Village Law of the State of New York, a village may abolish the office of Village Justice by resolution subject to a permissive referendum; and

**WHEREAS**, a resolution abolishing the office of Village Justice takes effect only upon the expiration of the then current term of such office; and

**WHEREAS**, the Board of Trustee of the Village of Liverpool has thoroughly considered the impacts of a decision to dissolve the Village Court and to abolish the office of Village Court Justice; and

**WHEREAS**, the Board of Trustees has consulted with the Town of Salina and finds that the Town of Salina Justice Court is capable of handling the court matters presently processed, administered and adjudicated by the Village Court, including matters involving the prosecution of violations of the Village Code, laws, rules and regulations; and

**WHEREAS**, the Board of Trustees has determined that the abolition of the office of Village Court Justice and the dissolution of the Village Justice Court is in the best interest of the Village; and

**NOW, THEREFORE, BE IT RESOLVED** that the Office of Village of Liverpool Justice be, and the same hereby is, abolished upon the expiration of the current term of the Office of Village Justice ending on July 4<sup>th</sup>, 2016 at noon and:

**BE IT FURTHER RESOLVED** that the Village of Liverpool Justice Court is hereby dissolved and all Village Court matters arising in the Village following the end of the current term of the Office of Village Justice shall be referred to and processed, administered and adjudicated by the Town of Salina Justice Court; and

**BE IT FURTHER RESOLVED** that this resolution is adopted subject to a permissive referendum, and the Village Clerk is hereby authorized and directed to publish and post a notice of such adoption and abstract in accordance with law; and

**BE IT FURTHER RESOLVED** that this resolution shall be effective upon the date of the expiration of the applicable period for submitting a petition for a referendum or upon a referendum vote supporting the abolition of the office of the Village Justice.

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

Hon. Nicholas Kochan	Trustee	Voted	Yes
Hon. James Rosier	Trustee	Voted	Yes
Hon. Dennis Hebert	Trustee	Voted	Yes
Hon. Christina M. Fitch	Trustee	Voted	No
Hon. Gary White	Mayor	Abstained	

The foregoing Resolution was thereupon declared duly adopted.

Trustee Fitch asked why the carefully drafted resolution was not available earlier or at her desk when she arrived to the Board meeting. She also said that the Village is not in a dire situation with its Budget and suggested that the Village examine the future of the Court over the next four years. She commented that the process must be done carefully and that the Village residents need to be brought in. She stated that she cannot support this resolution. She feels that she has limited information and stated that there are too many questions still.

Matt Devendorf, 215 Sycamore Street stated that he applauds the Board for being financially prudent. He stated that he is concerned that the Village Board considers the Court a revenue generator. The Board could say the same about the other departments. He asked "Why now and why so quickly?" He is not happy with the timing of this resolution. He commented that he didn't like the idea of getting rid of a department to buy capital purchases.

Mayor White stated that it is a mistake not looking at it as a business. The Village needs to look at needs assessment and look at costs. The majority of persons in the Village court are not residents of the Village.

Trustee Kochan commented that this is not the first time the Village Board has looked at the costs associated with the Court. The Village has been looking at this for several years. The resolution being adopted tonight is a timing issue.

Dick Ward, Fourth Street, stated that he is also speaking for his wife and former Mayor Marlene Ward. He stated that there is a lot of talk about saving money and the push to consolidate. Even when the sales tax revenue went down, the Village kept all their services. He commented that the question is "What am I willing to pay for?" He stated that he is willing to pay for services and he is not in favor of doing away with one after another service. He stated that he wants the Court and he wants a Village Justice. He is totally opposed to doing away with the Court.

Colleen Guinup, Town of Salina Councilwoman, stated that the Town Board had a meeting with their two Judges and their Court is also operating at a deficit. Most persons that appear in Town of Salina Court are not Town residents. The Village taxpayers could see an increase in their Town taxes, if the two courts merge. Town Board and First Ward Councilor Colleen Guinup stated that she represents both the Town and Village residents.

Anthony LaValle, Village Judge, 101 Tulip Street, stated that he wished that he had some notice that this resolution was going to be part of the meeting tonight. He stated that he is extremely disappointed with the "half-truths". He stated that his department costs pennies to operate. He is on call 24/7. He stated that Village residents want a Village Justice to pass fines. He feels that the Village needs to give the public an opportunity to voice their concerns. He feels that this is an irrational decision that is being made by the Village Board. He commented that the Village would be making more money if the Police wrote more tickets. Tickets are down to 1500 a month. He stated that the public will not tolerate this.

Trustee Rosier stated that the Board approved the resolution. The public has 30 days to sign a petition, if they do not agree with the resolution. The petitions would need to be submitted to the Village clerk within that 30 day period. If there are enough signatures to qualify, the referendum would be put to vote at the June 21 Election.

Trustee Kochan stated that the Village needs more information, such as how many cases the Court handles.

Mayor White stated that he wants the public's opinion on abolishing the Court and the position of Judge.

Trustee Fitch suggested that the Village should have full participation by the public and avoid discontent among residents, move to immediately bypass petitioning and put the Court dissolution question on the

ballot as a referendum. This was discussed at length and the Board decided not to change to a mandatory referendum and to keep the permissive referendum as set by the resolution.

It was suggested that the Village Board form a “fact finding” committee to gather facts regarding the operation of the Court. The committee is as follows: Trustee Kochan, Colleen Guinup, Judge Anthony LaValle, Mary Ellen Sims, Greg Maxwell, Matt Devendorf and Richard Ward. Clerk Mary E Sims will serve as the main contact person and will send an email to all members of the committee. The committee will try to present a power point at the meeting in May.

#### **Appoint Election Inspectors for Village Elections**

Motion was made by Trustee Rosier, seconded by Trustee Hebert to appoint the following Election Inspectors for the Village Election to be held on June 21, 2016: Sandra Lovell and Betty Marks. Motion Passed.

#### **Resolution adopting polling place and hours for June election**

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to adopt the following resolution:

WHEREAS, the Village of Liverpool hereby passes the following resolution:

The polling place for the General Village Election to be held on Tuesday June 21, 2016 shall be located at the Village Hall, 310 Sycamore Street, Liverpool, New York:

That the hours for voting on the date of the General Village Election held on June 21, 2016 shall commence at the hour of 12:00 noon on said day and continue until the hour of 9:00 PM, local time on said day.

Motion Passes

#### **Call Public hearing for May 16 for purpose of MS4 Annual Report**

Motion was made by Trustee Hebert, seconded by Trustee Rosier, to call a public hearing for May 16<sup>th</sup> at 7:01 PM for the purpose of the MS4 report. Motion Passed.

#### **Village Wide Garage Sales- May 6, 7, and 8**

##### **DPW STATS**

March STATS will be presented next month.

Park Requests- Approval of the use of Johnson Park for Movies in the Park and approval of use of Johnson Park for the ‘Bark for Life” event in October

##### **POLICE STATS**

Trustee Rosier read the following STATS for the police department:

220	Traffic Stops
156	Traffic tickets issued
0	DWI's
07	Accidents Investigated
31	Parking Tickets issued
157	Residential Property Checks
480	Incidents

Chief Morris stated, in a memo, that the NYS Department of Criminal Justice Services conducted our on-site Re-Accreditation Inspection. Deputy Chief Frankoski inspected the 133 accreditation files, interviewed Mayor White, LPD officers, Village Clerks, Court Clerk and First Chief Assistant District

Attorney Trunfio. He inspected the Police Department, the evidence/property room, patrol vehicles and officer's uniform and appearance. The meeting concluded with an exit interview indicating that he will be recommending our Re-Accreditation to the Accreditation council. The ceremony will be held in June in Albany. Officer David Sturtz is the LPD Accreditation Manager and is in charge of maintaining the 133 accreditation files. Officer Sturtz did an exceptional job and was praised by Deputy Chief Frankoski of NYS for his organizational skills.

Mayor White thanked Officer Sturtz for his outstanding work.

### **Conditional Offer of Employment**

Chief Morris stated, in a memo, that the Liverpool PD has an opening for a full time officer. He has a potential candidate that Chief is in the process of completing the background investigation on. Chief is requesting authorization to make a conditional offer of employment pending the passing of the medical examination, only upon the completion of a successful background.

Motion was made by Trustee Rosier, seconded by Trustee Hebert, to authorize Chief Morris to make a conditional offer of employment pending the passing of the medical examination, only upon the completion of a successful background to Kevin Greenwood as a full time officer. Motion Passed

### **Codes Report**

**Trustee Rosier presented the Codes STATS for the month of February and March 2016.**

### **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.

### **Financial Reports:**

Trustee Hebert moved and Trustee Kochan seconded the approval of Abstract # 11 General Fund vouchers # 579-622 in the amount of \$47,822.01. Motion Passed

### **Transfers**

Motion was made by Trustee Rosier, seconded by Trustee Fitch, to approve the transfers numbered 1-24 Motion Passed.

### **Approve Minutes**

Motion was made by Trustee Rosier, seconded by Trustee Fitch, to approve the minutes of March 21, 2016 and April 4<sup>th</sup>, 2016 as presented. Motion Passed.

### **Adjournment**

Motion was made by Trustee Fitch, seconded by Trustee Rosier, to adjourn the meeting. Meeting was adjourned at 8:52 PM. Motion Passed.

Respectfully submitted,

Mary Ellen Sims  
Village Clerk Treasurer