

The regular meeting of the Village of Liverpool Board of Trustees was held on Monday, May 16, 2016 at 7:00 PM at 310 Sycamore Street, Liverpool, NY

Present:	Gary White	Mayor
	Nick Kochan	Deputy Mayor
	Dennis Hebert	Trustee
	Christina Fitch	Trustee
	Richard Andino	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
	Ric Maar	Engineer

Also present were approximately 40 persons

Absent:	James Rosier	Trustee
	John Langey	Attorney

Mayor White called the meeting to order and all those in attendance joined in the pledge of allegiance.

**Residents wishing to speak/ correspondence**

Pam Carey, 602 Cypress Street, commented that the Cemetery Wall Repair looks great!

Anthony LaValle, Judge, 101 Tulip Street, commented that he felt that the wording of the resolution passed by the Board regarding abolishing the position of Village Justice and dissolving the Village court was too confusing. He asked if the wording could be "Do you want a Court and a Village Judge?" – Yes or no.

Attorney Andino stated that the language is pretty simple now.

Attorney LaValle, Judge stated that language is ambiguous and confusing.

Elaine Toth, 1014 Tulip Street, stated that she thought the abolishment of the Judge and the dissolution of the Village court was a done deal, Mayor White stated that the Village residents will have a chance to vote on the abolishment of the position of Village Justice and the dissolution of the Village Court at the June 21<sup>st</sup> Election. Mayor White stated that he respectfully disagreed with Judge LaValle regarding the wording of the proposition.

Anthony LaValle, Judge 101 Tulip Street, thanked the residents that signed the petition to force the Village Board to put this proposition to a vote; He stated that he obtained over 450 signatures

Janet Bailey, 407 Balsam Street, asked how persons can find out about special meetings. Mayor White stated that the meetings are on the Village Web site, Facebook page, sent to the media and posted in the Village Hall. The Village Clerk's office will be setting up an email site on the Village Web site. Persons can sign up to receive emails and all those that are signed up will receive any recent news, meetings, etc.

Elaine Toth 1014 Tulip Street, asked about the Dunkin Donuts approval. Mayor White stated that the Village Board did not approve the site for Dunkin Donuts, as that is the Planning Board's task. The Village Board only adjusted the code to allow a drive thru for restaurants in that zone providing that a special permit is issued,

Joan O'Brien, 220 Sixth Street, commented that the Cemetery looks great but that she is concerned about cars going up into the Cemetery from Tulip Street. She commented that she sees police cars going up from the Tulip Street side of the road into the Cemetery.

Trustee Fitch commented that it is not the intent to have cars go up into the Cemetery from Tulip Street.

Bradley Young, 303 Tamarack Street, stated that the only way he found out about the Court was by reading the Review. He stated that he feels that he got shafted. He stated that there is \$78,000 in the Court Budget and that it has already been abolished.

Mayor White stated that the Court has not been abolished. It will be up to the voters in the Village to decide the future of the Court, when they vote on it in June.

Marilee Bogdanovs, 600 First Street, asked if the Board has considered changing the June Election to the November General Election. This would save money. She stated that Camillus is going to the November Election and having Onondaga County Board of Elections runs their Elections.

Ms. Bogdanovs also commented that the information regarding the merger of the Village of Liverpool Court and the Town of Salina Court has never been presented to the Village taxpayers for a vote. She suggested that the November village voting option and the Village court option should be presented to the Village of Liverpool taxpayers.

Marlene Ward, 309 Fourth Street, former Mayor of the Village of Liverpool and resident asked to comment on the issue of changing the Village June Election to the General Election in November. She stated that the Village has studied this many times over the years it has always been the intent to keep this part of Village Government separate. It is our Village election and should be run by the Village.

Bradley Young commented that there would be more turnout at a November Election...

Mayor White stated that the Village can debate this issue going forward and discuss the pros and cons of keeping the Village Election as a Village Election in June or going to the November General Election and have the County run the Election.

Hearing no more residents that wish to speak, Mayor White continued with the next agenda item.

#### **Public hearing MS4 Annual Report/ Ric Maar Engineer**

Motion was made by Trustee Kochan, seconded by Trustee Fitch, to open the public hearing on the MS4 Annual Report. Motion Passed.

Ric Maar, Engineer commented that there are six minimum control measures – public education and outreach, public involvement, illicit discharge detection and elimination and construction site storm water runoff control, post construction storm water management and pollution prevention/ good housekeeping for municipal operations.

The Village continues to contract with CNYRPDB to provide storm water trainings, mailings, articles and commercials for the public education portion.

Public Involvement/ Participation portion involves the following (1) Annual Report and SWMP are on file with the Village Clerk and available for public review and comment, (2) the 2015-2016 Report is being presented at this public hearing, (3) the Village installed 1,500 square feet of vegetative plantings, (4) the Village supported and promoted the annual volunteer spring clean- up, (5) no Storm water related comments were received by the Village during the reporting year.

Illicit discharge detection and elimination includes the following- (1) the Village continued a debris management program, (2) the Village maintains an agreement with Onondaga County to inspect outfalls. Two outfalls were inspected this reporting period. No illicit discharges were detected, (3) the Village maintained a storm water hotline for reporting illicit discharges and has a local storm water contract to investigate any calls received

Construction site storm water runoff control – There were no construction projects requiring inspections in the Village during the reporting year requiring permit coverage.

Post construction storm water management- there were no projects undertaken or proposed in the Village during the reporting year requiring permit coverage. Watershed treatment models have been developed for the Village, forming the basis for comparisons of future phosphorous loading.

As far as the good housekeeping, the Village DPW swept 60 miles of streets, cleaned 40 and inspected 40 catch basins. Inspected 3 miles of storm water piping and 2 miles of sanitary sewer piping, recycled 100 gallons of oil and collected and composted approximately 2,000 yards of yard waste.

Mayor White thanked Ric Maar for his input and asked if there were any questions.

John Bixby, 313 Third Street stated that there was a major drainage project on Third and Balsam a few years ago and a catch basin was not put in near his home. There is flooding in that area. He stated that a catch basin was put in today by the Village and that it is 10 feet off the road and will not catch the water due to improper grading of the basin.

Trustee Kochan stated that the Village will regrade that catch basin. It was just installed today and the grading will be done.

Marilea Bogdanovs, 600 First Street, commented that all the storm water on her street misses all the basins. There is a slope to First Street that needs to be corrected.

Mayor White stated that he will have the engineer look at it. He commented that the engineer and the DPW have been down there to look at the drainage issues.

Elaine Toth commented that there are no catch basins on 7<sup>th</sup> Street or Sergeant Lane.

Trustee Kochan commented that the Village has been doing yearly root abatement and this has helped with drainage issues

Hearing no more questions, Mayor White asked for a motion to close the public hearing.

Motion was made by Trustee Fitch, seconded by Trustee Kochan, to close the public hearing on the MS4 Annual Report. Motion Passed.

Motion was made by Trustee Fitch, seconded by Trustee Kochan, to accept the report as a final report and to authorize Dunn & Sgromo to submit the report on behalf of the Village of Liverpool. Motion Passed

### **Presentation on Background reasons for Dissolution of Court**

Trustee Kochan presented the background on the reasons for the dissolution of the Court. He presented a packet of information to the residents attending the meeting tonight. It included a cover letter that appeared in the Salina Review and financial information.

The Revenue sources page shows revenues from property taxes, sales taxes and VIP grant money for the years 2008- 2015. In 2012, the sales tax money was no longer being distributed by the County to the Village. In 2012, the VIP grant program began. VIP grant stands for Village Infrastructure program. These funds are not guaranteed. The next page is the percentage of Court Revenues distributed to New York State, Onondaga County and the Village of Liverpool. The percentage for the Village has dropped, while the percentage for the State has gone up. This trend will continue. The following page shows that if the Town of Salina takes over the Village Court functions, the Village of Liverpool's taxes will go up approximately \$ 1.95 per \$ 100,000.00 home. The fact finding committee compiled two different slides concerning court revenues and expenses. They did an average for revenues spread over four years and an actual of the revenues for the four years.

A resident commented that she felt that the actuals are better.

Thomas LaValle, 525 First Street, stated that it only costs \$ 25.02 to run the court. Mr. LaValle asked how many warning tickets are given out.

Trustee Kochan commented that the Village Board has had all the numbers and over the last 4 years there has been a \$ 170,000 loss for running the Court. The Court is a duplication of services, as the Town of Salina has a Court that the Village residents also contribute to. The Village residents will vote to keep the Court or dissolve the Court.

Mayor White stated that this is not the first time the Village board has taken actions to try to cut costs. The Village now has a part time police chief, part time Village clerk Treasurer and a part time Police Clerk. These positions were all full time in the past.

Elaine Toth commended the Board and said that they work really hard. She appreciates all that they have done.

Dick Ward, 309 Fourth Street, stated that he is not criticizing the Board and he compliments the Board. He stated that the Village residents should continue to have the services we enjoy. The cost to run the Court is 2 ½ % of the total bill. He commented that he likes having the Village court.

Bradley Young, Tamarack Street, asked what the fund balance is and what percentage is reasonable.

Anthony LaValle, Judge stated that he never saw this type of discussion coming. He commented that tickets are down, the Village created an after the fact committee, the discussion was held behind closed doors and that something has to change.

Dick Ward asked if there is no Court department, how the Village could budget for one. Mayor White stated that it would not have been prudent to not budget for the Court.

Rich Andino, Attorney commented that he would research the issue of budgeting for a service you are not getting.

Attorney Andino explained the changes to the language of the proposition and that the resolution was drafted on Village Law

Tom LaValle, First Street, asked how much the Village has spent on attorneys for abolishing the Court. He asked "Can we change the language, use layman's terms." It is confusing. He asked if the language can just say "Do you want a Village court"-- Yes or No.

Attorney Andino stated that we have to capture what the statute says. He stated that he Language was published for a month and no one spoke about it, He stated that it is the simplest format the Village could use and still comply with the law.

**Amendment to Resolution amending April 14<sup>th</sup> Resolution changing the language of the proposition**

**RESOLUTION AMENDING THE APRIL 14, 2016 AND MAY 9, 2016 VILLAGE BOARD  
RESOLUTIONS RELATIVE TO THE ABOLITION OF THE OFFICE OF VILLAGE COURT JUSTICE  
AND THE DISSOLUTION OF THE VILLAGE JUSTICE COURT TO PROVIDE AMENDED  
PROPOSITION LANGUAGE**

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

**WHEREAS**, on or about April 14, 2016, the Village of Liverpool Board of Trustees adopted a resolution pursuant to Section 3-301(2)(a) of the Village Law of the State of New York to abolish the office of Village Justice and to further dissolve the Village Justice Court; and

**WHEREAS**, pursuant to Section 3-301(2) (a) of the Village Law of the State of New York said resolution was adopted subject to a permissive referendum; and

**WHEREAS**, in accordance with Section 9-908 of the Village Law of the State of New York, the Board of Trustees duly adopted a resolution on May 9, 2016 to amend the Board's April 14, 2016 resolution to provide that the resolution to abolish the office of Village Court Justice and to further dissolve the Village Justice Court be subject to a mandatory referendum rather than a permissive referendum; and

**WHEREAS**, upon further consideration the Board of Trustees desires to adopt new language for the proposition that will be presented to the qualified voters of the Village of Liverpool relative to the abolition of the office of Village of Liverpool Court Justice and the dissolution of the Village of Liverpool Justice Court.

**NOW, THEREFORE, BE IT RESOLVED** that that Village of Liverpool Board of Trustees' resolutions adopted on April 14, 2016 ("A Resolution to Abolish the Office of Village Court Justice and to Dissolve the Village Justice Court") and May 9, 2016 ("A Resolution Amending the April 14, 2016 Village Board Resolution ("A Resolution to Abolish the Office of Village Court Justice and to Dissolve the Village Justice Court") to Provide for a Mandatory Referendum Relative to the Abolition of the Office of Village Court Justice and the Dissolution of the Village Justice Court") are hereby amended to provide new language for the proposition to be presented to the qualified voters of the Village of Liverpool relative to the abolition of the Office of Village of Liverpool Court Justice and the dissolution of the Village of Liverpool Justice Court as follows:

*“Shall the Office of Village of Liverpool Court Justice be abolished and the Village of Liverpool Justice Court be dissolved?” and*

**BE IT FURTHER RESOLVED** the Village Clerk is hereby authorized and directed to publish and post a notice of such adoption of this resolution containing the language of the aforementioned proposition to be submitted to the qualified voters of the Village and an abstract in accordance with law and to perform any actions necessary to effectuate this resolution.

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

<b>Hon. Nicholas Kochan</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.

**Reminder – June 10<sup>th</sup> last day to register to vote in Village Elections**

**Approval to use Village Hall for flu Clinic October 5, 2016 9:00 AM – Noon**

Motion was made by Trustee Kochan, seconded by Trustee Hebert to approve the use of Village Hall for a Flu Clinic on October 5, 2016 from 9:00 AM to Noon. Motion Passed.

**Tax Warrant**

**YOU ARE HEREBY COMMANDED** to receive and collect from the several persons named in the tax roll hereunto annexed the several sums stated in the last column hereof opposite their respective names, being a total of \$1,718,886.00 for the following purposes”

For the Current Budget	<u>\$1,552,519.00</u>
For Sewer rents and charges	<u>164,272.00</u>

Mowing Charges	<u>2,095.00</u>
Total	<b>\$1,718,886.00</b>
Total without mowing charges	\$1,716,791.00

**YOU ARE FURTHER COMMANDED** to receive and collect such sums without additional charge between the first day of June and the first day of July 2016, both inclusive; and thereafter to collect with such of the sums as have not been theretofore collected, an additional charge of five per centum for the first month or fraction thereof and one per centum for each month or fraction thereof thereafter until paid.

**YOU ARE FURTHER COMMANDED** to file the tax roll and warrant in your office on or before the second day of November 2016 and to deliver to the Board of Trustees at the same time an account of the taxes remaining due and unpaid; describing each parcel or real property upon which taxes are unpaid, showing the person or persons to whom the parcel is assessed and showing which taxes are unpaid.

Motion was made by Trustee Hebert, seconded by Trustee Kochan to accept the Tax Warrant. Motion Passed.

**Appoint Election Inspectors – Gordon Davis and Martha Ours**

Motion was made by Trustee Hebert, seconded by Trustee Fitch to appoint Gordon Davis and Martha Ours as Voting System Specialists for the Village Election to be held on June 21, 2016. Motion Passed.

**Sign up for emails from Village**

The Village clerk’s Office will be setting up an email list on the web site. Anyone interested in receiving up to the minute news, can sign up on the web site by providing their email addresses.

**DPW STATS**

32 UFPO’s marked for the month  
 10 Sewer Maintenance Calls  
 Sewer repair at 828 Second Street and a main repair at Second and Outlook  
 No banner pole requests, no sign requests and no park requests at this time.

Movie Night- May 27<sup>th</sup> 6:30 to 8:30 PM at Johnson Park  
 2016 Yard Waste Collection will be picked up the First and Third Monday of the month.

**POLICE STATS**

Chief Morris read the following STATS for the police department:

181 Traffic Stops  
 140 Traffic tickets issued  
 01 DWI’s  
 13 Accidents Investigated  
 14 Parking Tickets issued  
 162 Residential Property Checks  
 414 Incidents

Police Chief Morris would like to remind Village residents to keep car doors locked even when unattended for a short period of time.

## **Codes Report**

**Mayor White presented the Codes STATS for the month of April 2016.**

### **Vacant Property clean- up charges**

**804 Tulip Street**-The vacant property at 804 Tulip Street, upon being duly notified, failed to remove litter from the exterior of the premises within the time period specified. As a result, contractors were engaged by the Village to perform the required cleanup work.

If the homeowner does not pay the invoice, the amount of the cleanup charge will be added to the next regular tax bill.

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to approve the cleanup by R.J. Frost Company and if not paid by the homeowner, the amount of the cleanup will be added to next year's tax bill. Motion Passed.

### **612 Oswego Street- Property clean up charges**

The property at 612 Oswego Street, upon being duly notified, failed to remove litter from the exterior of the premises within the time period specified. As a result, the Codes officer will be engaging a contractor to perform the required cleanup work. The owner of the property lives in South Carolina.

If the homeowner does not pay the invoice, the amount of the cleanup charge will be added to the next regular tax bill.

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to approve the cleanup and if not paid by the homeowner, the amount of the cleanup will be added to next year's tax bill. Motion Passed.

### **Financial Reports:**

Trustee Hebert moved and Trustee Kochan seconded the approval of Abstract # 12 General Fund vouchers # 623-673 in the amount of \$62,916.7, Sewer Fund G Fund, Voucher # 667-668 in the amount of \$ 9,201.07 and CM Fund, voucher # 666 in the amount of \$ 7,500. Motion Passed.

### **Transfers**

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to approve the transfers numbered 1-16 Motion Passed.

### **Approve Minutes**

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to approve the minutes of April 14, May 6 and May 9<sup>th</sup> 2016 as presented. Motion Passed.

### **Attorney / Client**

Mayor White asked all those in attendance, with the exception of the Board of Trustees to exit the room for an attorney/client session.

Motion was made by Trustee Kochan, seconded by Trustee Hebert, to move into attorney/client session. Motion Passed.

Motion was made by Trustee Kochan, seconded by Trustee Hebert, to move out of attorney/client session and return to regular session. Motion Passed.

All those that left the room were invited to return (Only Chief Morris returned, all other persons left the building)

### **Executive Session**

Motion was made by Trustee Kochan, seconded by Trustee Hebert, to move into executive session for personnel matters. Motion Passed

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

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to pay Sergeant Manns for the four (4) holidays due him. Motion Passed.

Motion was made by Trustee Hebert, seconded by Trustee Fitch, to approve the carryover of 72 hours of vacation time for Chief Morris. Motion Passed.

Motion was made by Trustee Hebert, seconded by Trustee Kochan to uphold the Village Clerk's / Records Access Officers determination regarding the May 6<sup>th</sup> Appeal of April 7<sup>th</sup> . Motion Passed.

**Adjournment**

Motion was made by Trustee Fitch, seconded by Trustee to adjourn the meeting. Meeting was adjourned at 9:52 PM. Motion Passed.

Respectfully submitted,

Mary Ellen Sims  
Village Clerk Treasurer