

The regular meeting of the Village of Liverpool Board of Trustees was held on October 21, 2019 at 7:00 PM at 310 Sycamore Street, Liverpool NY.

Present:	Gary White	Mayor
	Christina Fadden	Deputy Mayor
	Michael LaMontagne	Trustee
	Jason Recor	Trustee
	John Langey	Attorney
	Mary Ellen Sims	Village Clerk

Absent:	Matthew Devendorf	Trustee
---------	-------------------	---------

Also present was Greg Sgromo, Village Engineer, Russ Tarby- Eagle News and approximately 12 other persons.

Mayor White asked all those present to join in the Pledge of Allegiance.

**Outstanding issues/ grant updates**

Mayor White updated the outstanding issues with the following updates:

Johnson Park--- SEQR on agenda tonight

Onondaga Lake Parkway--- public hearing scheduled for November 14<sup>th</sup>

LED Street light conversion--- Marcus Lukins will send Village proposal for services

Tree Committee- Yvette Hewitt is Chair- working on Tree City USA application. Holding meetings every month – working with CCE for tree planting on October 29, 2019

Proposed Distribution Center- OCIDA lead agency. Town of Clay Planning Board for site plan approval and Town of Clay for Zone Change. Significant impacts on traffic a concern

Handbook- needs some legal advice on certain sections

Film School--- Currently has a temporary CO—signed agreement for improvements with time lines to help move towards permanent CO

**Public comment period**

No one wishing to speak

**Correspondence- none**

**Discussion – 500 Block of Balsam Street**

Chief Morris was requested to seek input from the LFD and Code Enforcement pertaining to restricting parking in the 500 block of Balsam Street. The consensus is the following: If the Village board decides to restrict parking in the 500 block of Balsam Street, the recommendation would be to prohibit parking on the west side of the street (odd side) thus allowing parking on the east side of the street (even side).

Mayor White stated that he would not be voting on this possible change, if a motion were to be made at tonight's meeting. Mayor White asked Trustee Fadden to lead the discussion

.

Trustee Fadden stated that she talked with Chief Morris regarding the recommendation to prohibit parking on the west side of the street and was very comfortable with the Chief's recommendation.

Trustee Recor stated that he would like to hear what the public has to say about this proposed restricted parking on the west side of the street.

Trustee LaMontagne stated that wintertime parking starts in a few weeks and that will prohibit parking on the street overnight until April.

Trustee Fitch asked for comments from the public:

Sue Tillotson, 511 Balsam Street, feels that restricting parking on the west side of the street will not address the problem. She commented that renters with vehicles are making the 500 block of Balsam Street a one way road. She stated that she feels parking should be restricted on the even side of the street. She stated that if everyone parked in the ally, there would not be a problem. Ms. Tillotson commented that she still thinks “no overnight parking” is the easiest route.

Rachel Smorol, 508 Balsam Street, stated that all the rental properties are creating issues. She stated that Balsam Street is the only street in the Village that has an ally for parking behind the houses.

Trustee Fadden stated that there are no other streets in the Village that have “no overnight parking” . Trustee Fadden commented that at the last meeting, safety was mentioned as a main concern, which is the reason she would like to put forth a motion to restrict parking on the west side of the street as recommended by Chief Morris, the Liverpool Fire Department and the Codes officer.

Motion was made by Trustee Fadden, seconded by Trustee Recor, to authorize Attorney Langey to draft legislation to change the Vehicle and Traffic section of the code to restrict parking on the west side of Balsam Street in the 500 Block of said street.

Roll Call vote:

Trustee Recor	No
Trustee LaMontagne	No
Trustee Fadden	Yes
Mayor White	Abstain

Vote did not pass.

**Public hearing on Local Law F “A local law to amend Chapter 360 of the Code of the Village of Liverpool relating to Abandoned Vehicles.”**

Mayor White explained that this local law, if enacted, will amend the language of abandoned vehicles in the Village of Liverpool code to include “unregistered” vehicles as being abandoned vehicles.

Motion was made by Trustee LaMontagne, seconded by Trustee Recor, to open the public hearing on Local Law F. Motion passed.

Mayor White asked if there were any comments.

Hearing none, a motion was made by Trustee Fadden, seconded by Trustee LaMontagne, to close the public hearing. Motion Passed.

Motion was made by Trustee Recor, seconded by Trustee Fadden to adopt Local Law 5 (F) of 2019 “ A local law to amend Chapter 360 of the Code of the Village of Liverpool relating to Abandoned Vehicles.”

Roll Call vote:

Trustee LaMontagne	Yes
Trustee Fadden	Yes
Trustee Recor	Yes
Mayor White	Yes
Trustee Devendorf	Absent

Motion Passed.

**Public hearing on Local Law G- “ A local law to amend Code of the Village of Liverpool to add a new chapter titled “ Disruptive Conduct.”.**

Mayor White explained that this local law, if enacted, would ensure the safety and well-being of all Village residents by establishing definitions, owner’s duties, violations and penalties for disruptive conduct as defined in this proposed law.

Motion was made by Trustee Fadden, seconded by Trustee Recor, to open the public hearing on Local Law G. Motion Passed.

Mayor White asked for any comments.

Russ Tarby asked if this law was for a particular property. Mayor White responded that the property is on First Street, but that the tenants have moved out.

Hearing no other comments or questions, motion was made by Trustee LaMontagne, seconded by Trustee Fadden, to close the public hearing. Motion Passed.

Motion was made by Trustee Recor, seconded by Trustee LaMontagne, to adopt Local Law 6 (G) “ A local law to amend Code of the Village of Liverpool to add a new chapter titled “Disruptive Conduct.”

Roll Call vote:

Trustee LaMontagne	Yes
Trustee Fadden	Yes
Trustee Recor	Yes
Mayor White	Yes
Trustee Devendorf	Absent

Motion Passed.

**Public hearing on Local Law H- “A local law to amend Chapter 380 of the Code of the Village of Liverpool to amend the definition of Mixed Use.**

Mayor White explained that this local law, if enacted, would allow a single building, structure and/or a lot with a minimum of two different and distinct uses.

Motion was made by Trustee Fadden, seconded by Trustee Recor to open the public hearing on local law H. Motion Passed.

Mayor White asked if there were any comments or questions.

Trustee Fadden commented that any project would need site plan approval.

Hearing none, a motion was made by Trustee Fadden, seconded by Trustee Recor, to close the public hearing on local law H. Motion Passed.

Motion was made by Trustee Recor, seconded by Trustee Fadden, to adopt Local law 7 (H) of 2019 “A local law to amend Chapter 380 of the Code of the Village of Liverpool to amend the definition of Mixed Use.

Roll Call vote:

Trustee LaMontagne	Abstained
Trustee Fadden	Yes
Trustee Recor	Yes
Mayor White	Yes

Trustee Devendorf                      Absent  
Motion Passed.

**Public hearing on Local Law I- “A local law to amend the Chapter 380 of the code of the Village of Liverpool to the definition of Sign Height, Service Station Canopy signs, change of Modifications to site plans, plantings and expiration of variance approvals.**

Mayor White explained that this local law, if enacted, would change the definition of sign height, service station canopy signs, change of modifications to site plans, plantings and expiration of variance approvals.

Motion was made by Trustee LaMontagne, seconded by Trustee Recor, to open the public hearing on Local Law I- 2019. Motion Passed.

Mayor White asked if there were any questions and/or comments.

Hearing none, motion was made by Trustee Fadden, seconded by Trustee LaMontagne, to close the public hearings. Motion Passed.

Motion was made by Trustee Recor, seconded by Trustee LaMontagne, to adopt Local Law # 8 (I)- 2019 “A local law to amend the Chapter 380 of the code of the Village of Liverpool to the definition of Sign Height, Service Station Canopy signs, change of Modifications to site plans, plantings and expiration of variance approvals.

Roll Call vote:

Trustee LaMontagne	Yes
Trustee Fadden	Yes
Trustee Recor	Yes
Mayor White	Yes
Trustee Devendorf	Absent

Motion Passed.

**Introduction of Local Law J- “A local law to amend Chapter 380 of the Code of the Village of Liverpool to add new regulations regarding Personal on Demand Storage (PODS)**

Trustee LaMontagne introduced proposed Local Law No. J-2019 to amend Chapter 380 of the Code of the Village of Liverpool to Add New Regulations Regarding Personal On Demand Storage (PODS) and made the following motion, which was seconded by Trustee Fadden:

**WHEREAS**, proposed Local Law J-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, the Village of Liverpool Board of Trustees has been requested to amend Chapter 380-110 (Outdoor Storage of Certain Materials) of the Code in its entirety to add new provisions regarding personal on demand storage (PODS); and

**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.

**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 has reviewed the Short Environmental Assessment Form and has determined that there will be no adverse environmental impacts as a result of this action and therefore, renders a negative declaration for purposes of SEQR; 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 J-2019 at the Village of Liverpool Village Hall, 310 Sycamore Street, Liverpool, New York on November 18, 2019 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. Michael LaMontagne	Trustee	Voted	Yes
Hon. Jason Recor	Trustee	Voted	Yes
Hon. Matthew Devendorf	Trustee	Voted	Absent
Hon. Christina Fadden	Trustee	Voted	Yes
Hon. Gary C. White	Mayor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

**Introduction of Local Law E- “A local law to amend the Code of the Village of Liverpool to create new Chapter 299 titled “Small Cell Wireless Deployment Requirements.”**

Trustee Fadden introduced proposed Local Law No. E-2019 to amend the Code of the Village of Liverpool by creating a new Chapter 299 titled “Small Cell Wireless Deployment Requirements” and made the following motion, which was seconded by Trustee LaMontagne:

**WHEREAS**, proposed Local Law E-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, the Federal Communications Commission (“FCC”) has issued a Declaratory Ruling and Third Report and Order, known as FCC 18-133 or the “Order”, to encourage and facilitate the deployment of small cell wireless communications facilities throughout the United States of America; and

**WHEREAS**, referencing several reasons and determinations as to why the deployment of small cell wireless communications facilities throughout the United States is considered beneficial, the Order is intended to streamline and accelerate the wireless infrastructure siting review process; and

**WHEREAS**, the Order does, however, explicitly reserve the right of local governments to impose aesthetic requirements and safety considerations upon such small cell wireless communications facilities; and

**WHEREAS**, by Resolution dated April 11, 2019, the Village of Liverpool Board of Trustees expressed its desire to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called “4G” and “5G” technology, which rights and options included the ability to establish standards and requirements relative to the siting, construction, operation, maintenance, and permitting of such small commercial wireless facilities; and

**WHEREAS**, the Village Board of Trustees desires to regulate the deployment of small cell wireless communications facilities throughout the Village in conformance with the guidance and rules set forth in the Order; and

**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 (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Village Board of Trustees shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and a Short Environmental Assessment Form (EAF) in support of this Local Law has been prepared and has been reviewed by the Village Board of Trustees; and

**WHEREAS**, the Village Board of Trustees 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 there are no other involved agencies, that the Village Board of Trustees shall act as lead agency and the enactment of proposed Local Law No. E-2019 is an unlisted action for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED** that the Village Board of Trustees, upon review of the EAF and proposed Local Law has determined that this action, which will streamline and accelerate the wireless infrastructure siting review process while regulating local aesthetics and imposing public safety consideration in accordance with FCC 18-133, will have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required and that this resolution shall constitute a negative declaration pursuant to SEQRA; 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 E-2019 at the Village of Liverpool Village Hall, 310 Sycamore Street, Liverpool, New York on November 18, 2019 at 7:02 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. Michael LaMontagne	Trustee	Voted	Yes
Hon. Jason Recor	Trustee	Voted	Yes

Hon. Matthew Devendorf	Trustee	Voted	Absent
Hon. Christina Fadden	Trustee	Voted	Yes
Hon. Gary C. White	Mayor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

**Resolution authorizing execution and processing of an application for a 2019-2020 Justice Court Assistance Program (JCAP) Grant.**

The following resolution was offered by Trustee Recor moved its adoption, seconded by Trustee Fadden to wit:

**WHEREAS**, the Village Board of Trustees of the Village of Liverpool has been made aware of funding opportunities offered by the New York State Unified Court System and Office of Justice Court Support through the “Justice Court Assistance Program” (JCAP) to assist the Village of Liverpool Justice Court in undertaking Court/office security equipment, furniture and court facility improvements/renovations; and

**WHEREAS**, the Village Board of Trustees, through the Village Justice Court, has reviewed the JCAP Grant application forms; and

**WHEREAS**, the Village of Liverpool desires to authorize the Village Court to make application for such available funds in completion of this important project;

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of Trustees of the Village of Liverpool hereby authorizes the execution and filing of the application form and additional documentation related to the JCAP Grant by the appropriate Village officials and to take such steps as are necessary for same.

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

Hon. Christina Fitch	Trustee	Voted	Yes
Hon. Michael LaMontagne	Trustee	Voted	Yes
Hon. Matthew Devendorf	Trustee	Absent	Yes
Hon. Jason Recor	Trustee	Voted	Yes
Hon. Gary White	Mayor	Voted	Yes

**SEQR Community Development Project**

Mayor White explained that the Village was awarded a grant from Community Development for Johnson Park Improvements in the amount of \$ 44,000. SEQR needs to be completed and reviewed by Community Development before any expenses can be incurred.

Village Attorney John Langey and the Board of Trustees completed Part 2 of the SEQR.

Motion was made by Trustee Fadden seconded by Trustee Recor, that for SEQR purposes the proposed action will not result in any significant adverse environmental impacts and thereby is declared a negative declaration. Motion Passed.

**Slip lining project discussion / possible award of bid**

Greg Sgromo, Engineer, explained that bids were opened on September 9, 2019 for the sewer lining project. Two bids were received. Skanex Pipe Services total bid \$168,100 and Composite Technology & Infrastructure for a total of \$180,813. The Onondaga County contract was for 2,100 linear feet for a total of \$88,200.00 The County contract did not include some items. The cost per linear foot from County Contract is \$48.70. Skanex price per foot is \$47.50.

Engineer Greg Sgromo recommended the Village award the contract to the low bidder, Skanex Pipe Services, Inc for a total bid of \$168,100.00. The Village cost for completion is \$136,750 (Zavaglia contribution for slip lining will be \$31,350) less Onondaga County Grant in the amount of \$118,000, with the remainder of \$18,750 from Sewer Fund unappropriated fund balance.

Motion was made by Trustee Recor, seconded by Trustee LaMontagne, to rescind the motion made on September 16, 2019 to proceed with the County Contract for \$88,200 and to award the contract for sewer lining project to the low bidder, Skanex Pipe Services Inc. for a total of \$136,750(Total bid \$168,100 less Zavaglia contribution of \$ 31,350).

Roll Call Vote:

Trustee LaMontagne		Yes
Trustee Fadden	Yes	
Trustee Recor		Yes
Mayor White		Yes
Trustee Devendorf		Absent

Motion Passed.

**Proposed Distribution Warehouse**

Mayor White and the Board discussed the proposed distribution warehouse and the possibility of sending concerns and comments to OCIDA.

**DPW STATS**

Trustee LaMontagne presented the following STATS for the DPW Department for the month of September:

- 25 UFPO's marked for the month
- 6 Sewer house calls were handled
- Man Hole Repair at Route 370 & Cypress
- No Banner pole requests
- No sign requests
- No park requests
- No tree work at this time

Banner request for the Liverpool Turkey Trot was approved.

**Police – STATS**

Mayor White gave the following STATS for the Police Department for the month of September:

- 374 Traffic Stops

308 Tickets issued  
02 DWI arrests  
12 Accidents Investigated  
04 Parking Tickets issued  
131 Residential Property checks  
627 Incidents

The Liverpool Police Department arrested a total of 38 individuals this month with 59 charges filed.

Chief Morris reminded residents to lock their cars.

**Codes STATS**

Trustee Recor read the activity report for the Codes department for September 2019.

**Financial – Approve abstracts**

Motion was made by Trustee Fadden, seconded by Trustee La Montagne, to approve Abstract # 05, General Fund vouchers # 228-282 in the amount of \$130,177.55; CM fund, Abstract # 5 , voucher #283 in the amount of \$1,092.00 and Sewer Fund, Abstract # 5 , voucher # 284-285 in the amount of \$ 11,399.76.

Roll Call Vote:

Trustee Fadden	Yes
Trustee Devendorf	Absent
Trustee Recor	Yes
Mayor White	Yes
Trustee LaMontagne	Yes

Motion Passed.

**Transfers**

Motion was made by Trustee Fadden, seconded by Trustee LaMontagne, to approve the transfers numbered 1-9. Motion Passed.

Monthly report of the Treasurer for the month of September was presented to the Board.

**Approve Minutes September 16 and October 8, 2019**

Motion was made by Trustee LaMontagne, seconded by Trustee Fadden, to approve the minutes of September 16, 2019 as corrected. Motion Passed.

Motion was made by Trustee LaMontagne, seconded by Trustee Fadden to approve the minutes of October 8<sup>th</sup> as corrected. Motion Passed. ( Trustee Recor abstained)

**Adjournment**

Motion was made by Trustee Fadden, seconded by Trustee Recor, to adjourn the meeting. Meeting was adjourned at 9:23 PM Motion Passed.

Respectfully submitted,

Mary Ellen Sims, Village Clerk