

APRIL 9, 2018

The seventh regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, April 9, 2018, 6:30 PM, with Deputy Mayor Edward J. McCague presiding. Trustees present were Ellen E. Barnes, Randall G. Holcomb and Douglas L. Schutte. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, and Department of Public Works Supervisor Thomas R. Pilling. Absent were Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Fire Chief Steve Smouse and Building Inspector Jeffrey A. Swanson.

OBSERVE A MOMENT OF SILENCE

Deputy Mayor McCague kindly asked everyone in attendance to join him, members of the Board of Trustees and the respective department heads to observe a moment of silence in honor and memory of Lisa A. Birrittieri, beloved sister of Mayor Cara Birrittieri, who died Easter Sunday at the age of fifty-three.

APPROVAL OF MINUTES

Motion by Trustee Ellen E. Barnes, seconded by Trustee Schutte, to approve the minutes of the last regular meeting of the Board of Trustees, held March 26, 2018.

Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

AUDIT OF CLAIMS

Motion by Trustee Schutte, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated April 9, 2018, be approved and that the Clerk shall execute said abstracts (#43 & #44) and direct payment by the Treasurer. Trust & Agency Fund: \$ 55,627.40, (Checks #4372 thru #4383), General Fund: \$ 34,273.36, (Checks #14664 thru #14698) NOTE: Check #14426 became lost and was replaced with check #14664 and check #14675 was voided.

Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated that he would like to re-visit the subject of painting the clock tower. Mr. Pilling said last summer he received three quotes from contractors to paint the clock tower, with the lowest of the quotes being \$ 3,700.00. He would like to move forward with this project and ask the painting contractor to schedule the work this spring. Mr. Pilling said his only question on this subject is whether the Local Community Development Corporation (LCDC), or the Village of Lakewood be responsible for its painting.

Deputy Mayor McCague said although the LCDC was responsible for the reconstruction of Chautauqua Ave., the Village of Lakewood has since taken on the responsibility to maintain everything within the Chautauqua Ave. right-of-way, which includes the clock tower.

Village Treasurer Andrea J. Windoft reported that the Village of Lakewood has

received payment from the Chautauqua County Department of Finance, the unpaid Village taxes that were levied onto the 2018 Town & County Tax bill totaling \$ 64,094.17, \$ 60,557.83 base amount, plus \$ 3,536.34 in interest and penalties.

APRIL 9, 2018 (CONTINUED)

COMMITTEE REPORTS

Tree Committee Chairman Richard Rose reported that his committee will be conducting an Arbor Day tree dedication ceremony, 12:00 noon, Friday April 27, 2018, at Veterans' Memorial Park. Mr. Rose said everyone is invited to attend.

Trustee Barnes indicated that although she is no longer a member of the Public Safety Committee, she wanted to report that New York State is considering a new law which could make it easier for local volunteer fire departments across the state to set-up a pay for hospital transport system. The pay for hospital transport program which would bill the health insurance companies of those transported, will provide some much needed financial assistance to volunteer fire departments without the need to form a separate ambulance service. Trustee Barnes asked folks to contact their NYS representatives and encourage them to support the proposed legislation.

Mr. David G. Bargar, 11 Sunset Ave., indicated that Mr. Julius Leone, former Director of Emergency Services for Chautauqua County recently had a Letter to the Editor of The Post-Journal on this very subject, advocating a change in the current law, which would make it somewhat easier for local fire departments to charge for hospital transports. He asked if the pay for hospital transport program would have an impact on the new "fly car" system that was recently put into place across Chautauqua County.

Trustee Barnes said because the "fly car" system is rarely needed in Lakewood's Fire District, it would have little if any impact on any pay for hospital transport program.

Trustee Schutte said it is his understanding that New York State is the only state in the nation that doesn't have a law in place that facilitates the formation of a paid ambulance service through local volunteer fire departments.

Deputy Mayor McCague said for those who would like to see the proposed legislation adopted, to please contact the offices of Senator Young and Assemblyman Goodell urging them to support the passage of this bill. He indicated the Emergency Medical Service and Fire Service provided by the Lakewood Fire Department makes up a good portion of Lakewood's annual budget.

RECESS

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Board of Trustees to recess the regular meeting so as to conduct a previously scheduled public hearing.

Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

PUBLIC HEARING - 6:45 PM
RE: TENTATIVE VILLAGE BUDGET
FOR THE FISCAL YEAR OF
JUNE 1, 2018 - MAY 31, 2019

Deputy Mayor McCague said he has a couple of opening comments he would like to make. He said the purpose of the public hearing is to afford residents an opportunity to comment on Mayor Birrittieri's tentative budget as proposed for the fiscal year of June 1, 2018 thru May 31, 2019. He noted this is not a final budget and we as the Board of Trustees are open to your input. The budget review process places the tentative budget in the hands of the Board of Trustees to "fine tune" and get to a finalized point.

Deputy Mayor McCague indicated that due to his close relationship with the Lakewood Memorial Library he will be refraining from making any comments on its annual budget request and/or its line item in the Village of Lakewood's tentative budget as proposed.

APRIL 9, 2018 (CONTINUED)

Mrs. Karen Dennerline, 1 Winchester Road, said she is here this evening to speak on behalf of the Lakewood Memorial Library. She indicated that use of the library has grown significantly over the past year or so. According to the results of a recent survey, residents clearly want a strong library in their community. For that reason, we at the library have reached out to the community and have become an active and leading force in local events. During this past year's Christmas in the Village event, the library had over 1,000 visitors. Looking ahead, the library is planning some activities on Saturday, May 19th in celebrating the Village of Lakewood's 125th anniversary.

Mrs. Dennerline then indicated the library is moving forward with its 259 funding initiative wherein New York State Education Law 259 allows libraries to seek sustainable funding directly from school districts through the passage of a 259 referendum. The funding request that was submitted by the Lakewood Memorial Library to the Village of Lakewood, in the amount of \$ 69,500.00, is what is needed to run its programs. She noted that the Town of Busti realized a library's importance and they have appropriated the same amount of funding for Busti's Hazeltine Library. Mrs. Dennerline also noted that the library has stepped-up its own fund raising efforts over the past year.

She indicated that the library continues to strive to do more with less and noted that this past March had more than 2,800 visitors. Mrs. Dennerline said per the tentative budget as proposed, the appropriated funding for the library totals \$ 65,950.00 versus the amount requested of \$ 69,500.00. The difference, (\$ 3,550.00), may not seem like a lot, but it would mean a lot to the Lakewood Memorial Library. Among other things, \$ 3,550.00 could purchase a new computer. Mrs. Dennerline said she and others realize it is a very tight budget year for the Village of Lakewood as it is with the Lakewood Memorial Library. She closed in saying we truly appreciate the Village of Lakewood's support in the past and your help in making the Lakewood Memorial Library the treasure it really is. Be sure to remember, strong communities have strong libraries.

Mr. John Rowan, 86 East Terrace Ave., indicated there is always talk about cutting budgets here and cutting budgets there. He stressed the Village of Lakewood should instead look at ways to bring more money into the village.

Mr. Rowan said the Lakewood-Busti Police Department always seems to be assisting other communities outside its jurisdiction but unfortunately some of those communities they assist can't reciprocate because they don't have a police department.

Mr. Rowan said when the L-BPD arrests someone at Wal-Mart, the court fines and fees are funneled through the Town of Busti court system, while the Village of Lakewood receives only a fraction of the revenue.

He then said the Village of Lakewood should look at updating its fee schedule for building and zoning permits so as to bring in additional revenue.

Deputy Mayor McCague indicated to Mr. Rowan that the Building Department's fee schedule has recently been updated.

Trustee Barnes indicated to Mr. Rowan that police and emergency services are shared through a mutual aid system, wherein each community comes to the aid of their neighboring community when the need arises.

Mr. Rowan said the Village of Lakewood needs to look to areas where more revenue can be brought into the community. He said there are other ways, besides raising taxes, to increase revenue. Continuing to raise taxes is a bad cycle to get into. Raising taxes could end up reducing property values, creating the need to raise taxes even more.

Trustee Schutte indicated to Mr. Rowan that most everything he mentioned is currently "on the table".

APRIL 9, 2018 (CONTINUED)

Deputy Mayor McCague said the Village of Lakewood has a Finance Committee who has gone through the budget with a fine tooth comb and one of their recommendations was to look for or create additional revenue sources.

Deputy Mayor McCague also indicated that a new fire inspection program will soon be introduced which is expected to conservatively net \$ 10,000.00 annually. He told Mr. Rowan that every point he has made this evening is a valid one and we are constantly looking to increase the Village of Lakewood revenue sources. That includes the point brought up by Trustee Barnes wherein someday soon the LFD will be able to charge-back EMS hospital transports to the patient's health insurance company. Doing so will allow the Village of Lakewood not only to cut its expenses but also save money for use towards future equipment purchases. We as a Board must take a look at future capital expenses and plan for them, while at the same time continue to look to cut expenses.

Deputy Mayor McCague thanked Mr. Rowan for his comments and said he wholeheartedly agreed with many of the points he made. Deputy Mayor McCague added we are working on making changes in how things are done, but it takes time. Financial planning and capital planning are certainly "on the table".

Trustee Schutte indicated the Board of Trustees is going to be taking the budget and extend it out five years so we may better plan in advance for upcoming capital expenses such as the purchase of a new ambulance,

truck/snowplow, fire truck or front-end loader.

Mr. Tom Simmons, 104 Sunset Ave., indicated some people might not know that we, the residents of Lakewood, have a fantastic library and it is a wonderful resource, which needs to be properly funded. He asked the question, what makes people think that the 259 funding referendum, which Mrs. Dennerline spoke to, is going to pass. Mr. Simmons said there is a need to educate the taxpayers within the SWCS district about the funding referendum vote May 15th. If the referendum passes, both the Town of Busti and the Village of Lakewood would then need to eliminate the line item which now funds the two respective libraries.

Trustee Schutte indicated if the 259 referendum passes, funding for the libraries from the increased school tax for SWCS district taxpayers would not begin until the calendar year 2019. Again, if the vote passes the Village of Lakewood would then eliminate its funding for the Lakewood Memorial Library, thus reducing the revenue collected through taxes beginning the 2019-2020 fiscal year.

Trustee Schutte indicated that the money the Village of Lakewood appropriates for the library is a sliver of the total budget, however there are challenges this budget presents such as rising retirement system costs and employee health insurance costs. The Board of Trustees is constantly looking at areas where expenses can be cut while at the same time looking at increasing revenues. Not having a tax rate increase is an impossibility, however the goal is to try to remain around the tax cap of 1.8%. He said, sticking to the Governor's tax cap might not provide the Village of Lakewood with the revenue it needs, adding you can't cut your way to prosperity.

Deputy Mayor McCague then indicated that for the current tentative budget to reach the tax cap, it would have to be reduced by \$ 105,000.00. If the 259 referendum passes it would help keep the future village tax rate down.

Mrs. Betsy Shepherd, 44 West Terrace Ave., asked, aren't taxpayers going to just be paying the same costs via their school taxes.

Mrs. Dennerline indicated there are going to be informational meetings conducted for the purpose of educating taxpayers on the 259 funding referendum, which will be held in conjunction with the SWCS budget vote Tuesday, May 15th. She did note, if the 259 referendum vote passes, more taxpayers will be contributing when compared to the number that now pay Village of Lakewood and Town of Busti taxes.

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Mr. Jerry Holmes, 10 Holly Drive, asked if the 259 referendum, which if it passes, providing \$204,000.00 worth of funding to the Hazeltine Library, (\$ 65,000.00) and Lakewood Memorial Library, (\$ 139,000.00), is a onetime vote. If so what happens when one or both of the library's expenses exceeds their appropriated funding.

Mrs. Dennerline said the amount of funding received stays sustainable at \$ 204,000.00 until such a time the libraries decide to go back to the voters in the school district for another vote.

Deputy Mayor McCague indicated if anyone has any further questions on the 259 referendum vote, he suggested they touch base with the folks at the Lakewood

Memorial Library.

With no one else to be heard, Deputy Mayor McCague closed the public hearing at 7:20 PM.

RESOLUTION #52-2018 - AUTHORIZE MID-YEAR BUDGET TRANSFERS

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to make the following mid-year budget transfers due to overages in those accounts. Transfer \$4,000.00 from Account A3120.40, [Police Contractual] and \$ 4,000.00 from Account A3120.42, [Police Gasoline], into Account A3120.43, [Police Vehicle Maintenance], Transfer \$ 258.14 from Account A5110.40, [Streets Contractual], into Account A5132.40, [DPW Garage Maintenance], and Transfer \$ 1,994.05 from Account A1990.40, [Contingent Account Contractual], into Account A1910.40, [Unallocated Insurance].
Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

RESOLUTION #53-2018 - APPROVE 2018 DOCK PERMIT APPLICATIONS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the following 2018 dock permit applications as submitted by Mr. Mark Ramsey, 8 Oakland Ave. for the Oakland Ave. right-of-way, Mr. David Doane, 127 Erie Street for the Lowe Ave. right-of-way and Mr. Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave., contingent upon Mr. Steinbrenner submitting a Certificate of Insurance versus an Insurance Binder that was submitted instead.
Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

RESOLUTION #54-2018 - SET DATE AND TIMES FOR PUBLIC HEARINGS

Motion by Trustee Barnes, seconded by Trustee Schutte, to set 6:40 PM, Monday, April 23, 2018, as the date and time for the Board of Trustees to conduct a public hearing to consider Proposed Local Law #4-2018, establishing a moratorium on the permitting and construction of wind turbines and related buildings, facilities & systems, and to set 6:45 PM, Monday, April 23, 2018, as the date and time for the Board of Trustees to conduct a public hearing to consider Proposed Local Law #5-2018, establishing a moratorium on the permitting and construction of solar panel farms and related buildings, facilities & systems.
Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

RESOLUTION #55-2018 - AUTHORIZE SPONSOR FOR THIS YEAR'S FARMERS' MARKET

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing the Village of Lakewood to act as the Sponsor for this year's Farmers' & Artisans' Market, which will be held Thursdays, 3:00 - 7:00 PM, from June 14th thru August 30th. The new site of the market will be along a section of West Terrace Ave., adjacent to Richard O. Hartley Park/Beach.
Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)
APRIL 9, 2018 (CONTINUED)

RESOLUTION #56-2018 - APPROVE/NAME A MANAGER FOR THE FARMERS' MARKET

Motion by Trustee Schutte, seconded by Trustee Holcomb, to approve/name Ms. Harriet Sessler, 130 Erie Street, as the Market Manager for this year's Farmers' & Artisans' Market.

Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

RESOLUTION #57-2018 - ACCEPT LOW QUOTE TO PAINT THE CLOCK TOWER

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Village of Lakewood to accept the low quote of \$ 3,700.00, as submitted by Mr. Norman Green, to repaint the clock tower on Chautauqua Ave. NOTE: The work will commence as soon as weather permits.

Adopted: 4 ayes, no nays (McCague, Barnes, Holcomb, Schutte)

ANYONE TO BE HEARD

Mrs. Jill Conley, 7 Winchester Road, asked Deputy Mayor McCague and members of the Board of Trustees if anything could be done to have the owner of the former Beechwood Restaurant improve on how the property has been maintained. It is so unsightly and so visible to anyone travelling on East Summit Street or East Terrace Ave.

Deputy Mayor McCague indicated that he will ask the Building Inspector/Code Enforcement Officer to investigate the situation at 400 East Terrace Ave., and to research any and all permits that have been issued in connection with the ongoing remodel of the restaurant. Deputy Mayor McCague said he agrees with Mrs. Conley that the intersection of East Terrace Ave. and East Summit Street does indeed represent the easterly gateway to the Village of Lakewood.

Motion by Trustee Barnes, seconded by Trustee Holcomb, and unanimously carried the Board adjourned at 7:32 PM.

Joseph M. Johnson
Village Clerk