

APRIL 10, 2017

The seventh regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, April 10, 2017, 6:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, Susan F. Drago, Randall G. Holcomb and Edward J. McCague. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent were Police Chief John R. Bentley and Building Inspector Jeffrey A. Swanson.

MOMENT OF SILENCE

Mayor Birrittieri asked everyone to join her and the Board of Trustees in observing a moment of silence in memory and honor of Mr. Richard W. Hallberg, father of Fire Chief Kurt W. Hallberg, who died last week at the age of eighty-nine.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee McCague, to approve the minutes of the last regular meeting of the Board of Trustees, held March 27, 2017. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

AUDIT OF CLAIMS

Motion by Trustee Holcomb, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstract dated April 10, 2017, be approved and that the Clerk shall execute said abstracts (#45 & #46) and direct payment by the Treasurer. Trust & Agency Fund: \$ 63,137.64, (Checks #4059 thru #4071), General Fund: \$ 96,394.58, (Checks #13630 thru #13660) Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

REPORTS

Mayor Birrittieri announced that there will be a joint meeting of the Town of Busti Town Board and the Village of Lakewood Board of Trustees 6:30 PM, Wednesday, April 26, 2017, at the Town of Busti Administration Building, 125 Chautauqua Ave. She noted the meeting will be open to the public however comments from the general public will not be entertained.

Mayor Birrittieri said her report this evening is dedicated to the Tentative Budget that has been submitted to the Village Clerk and distributed to members of the Board of Trustees. Mayor Birrittieri indicated that the Tentative Budget as presented reflects a 3% raise for both union and non-union employees, which is in line with the annual 2.75% increase in the cost of living. Mayor Birrittieri said she has worked diligently with Village Treasurer Windoft and the individual department heads in an effort to carve out some spending from each of the budget estimates as submitted. If each of the budget estimates as submitted by the respective department heads were approved the tax rate would have reached unprecedented levels. It was therefore important to reduce some funding. The search began to cut funding for some nonessential services throughout the various departments. Mayor

Birrittieri said the rumor that the Fire Department budget request was cut \$ 25,000.00 isn't true. She and Treasurer Windoft met with Fire Chief Hallberg to determine if some of the costs associated with equipment testing services could be reduced. There has been no attempt to drop essential funding for the LFD or L-BPD, whose services are critical to the ongoing success of the Village of Lakewood. A funding source for improvements to a municipality outside the real property taxes collected are grants which most of the time come with matching fund requirements. These grant opportunities are essential in bringing outside dollars into our community rather than relying on a small population of taxpayers.

APRIL 10, 2017 (CONTINUED)

Mayor Birrittieri said it is important to plan ahead and look ahead to better our community with funding through grant opportunities and matching funds. She said it is simply the reality of the times. The tentative budget includes only three new items. In no specific order they are a shared services project with the Southwestern Central School District, regarding a vehicle refueling station to be utilized by both SWCS and the Village of Lakewood. A grant application to fund this project will be submitted later this fall. Another new budget item is a \$ 1,000.00 stipend for an events, marketing and recreation manager. The idea for this position rose out of need for an individual to coordinate with various community businesses and organizations. It also rose out of a considerable reduction in the cost to conduct the summer concert/event series, with \$ 2,000.00 being saved last year and reducing the line item in this year's tentative budget by \$ 1,500.00. Although there is no community recreation center the Village of Lakewood can pursue recreation opportunities in public areas and during events throughout the summer. This individual could coordinate events throughout the year in an effort to create additional foot traffic for area businesses. Thirdly, given the need for recreation, Mayor Birrittieri said it is about time to invest in some new playground equipment for the Veterans' Memorial Park on East Terrace Ave. Mayor Birrittieri said she welcomes input on the tentative budget from residents, as members of the Board of Trustees consider introducing their proposals. She said the Board of Trustees should take its time to review all the possibilities and settle on a budget that is fair and equitable to all departments, employees and is in the best interest of the Village of Lakewood and its residents.

RECESS

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

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

PUBLIC HEARING - 6:40 PM
PROPOSED LOCAL LAW #1-2017
PROPERTY TAX OVERRIDE

Mayor Birrittieri opened the public hearing at 6:40 PM and indicated that this proposed Local Law, if adopted, would allow the Village of Lakewood to override the tax cap for the fiscal year of June 1, 2017 - May 31, 2018. Mayor Birrittieri encouraged the Board of Trustees to consider the Local Law as proposed just in case the adopted budget can not stay under the tax cap.

Dr. Rudolph J. Mueller, 7 Sunset Ave., encouraged Mayor Birrittieri and the Board of Trustees not to adopt the property tax override local law at this time. He asked that the Board of Trustees refrain from adopting this local

law until a budget is agreed upon and is pending adoption. Doing so will encourage members of the Board of Trustees to be more disciplined in reaching a tentative budget figure. Dr. Mueller indicated that it is his understanding that the current tentative budget is \$ 88,000.00 over the "tax cap".

Trustee Barnes indicated that if the tentative budget did exceed the tax cap, it would require approval by two-thirds of the Board of Trustees.

Mayor Birrittieri said unfortunately, with the current economic factors in place, her tentative budget as submitted is over the "tax cap". Mayor Birrittieri said although she did the best she could it is time for other members of the Board of Trustees to chime-in with their thoughts.

Mr. David Bargar, 11 Sunset Ave., said one of the key points being made is the reality of trying to create a budget for a municipality located in WNY. He encouraged the Board of Trustees to be disciplined and to look for tax savings before voting to override the "tax cap". Mr. Bargar said the local population base has decreased over the years and there is the need for structural change in how municipalities function. Residents can no longer afford to live in a tax climate where real property taxes continue to escalate year after year.

APRIL 10, 2017 (CONTINUED)

He asked members of the Board of Trustees to look for ways at being more creative when developing a budget as opposed to just raising taxes.

RESOLUTION #46-2017 - TABLE ACTION ON PROPERTY TAX OVERRIDE

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Board of Trustees to table any action on Local Law #1-2017 Property Tax Override, as proposed, until the next regular meeting, Monday, April 24, 2017.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

With no one else to be heard, Mayor Birrittieri closed the public hearing at 6:48 PM, and proceeded to open the public hearing on the tentative budget for the fiscal year June 1, 2017 - May 31, 2018, as presented.

PUBLIC HEARING: 6:45 PM
VILLAGE OF LAKEWOOD'S TENTATIVE BUDGET
JUNE 1, 2017 - MAY 31, 2018

Trustee Barnes said she would like to start the public hearing noting changes that she and other members of the Board of Trustees would like to make to the Mayor's tentative budget as presented.

Trustee Barnes said she agreed with Mayor Birrittieri that creating a workable budget for a municipality located in New York State, under the current economic climate, is a difficult task. She also wished to note that any spending done by the Village of Lakewood must be approved by the Board of Trustees. The tentative budget submitted by Mayor Birrittieri includes a tax rate increase of \$.57/1,000 assessed value, to \$ 7.72/1,000 assessed value, surpassing the "tax cap" by \$.40/1,000 assessed value. Also, members of the Board of Trustees worked independently in fashioning the budget changes that they are about to introduce. Keeping taxes low is important to local

taxpayers. Trustee Barnes indicated that it is important that the essential services, such as the Street Department, Fire Department and Police Department, are adequately funded. She noted that the Village of Lakewood has been paying for a law suit in connection with the proposed cell tower at a cost in excess of \$ 27,000.00, \$ 8,500.00 of which was an escrow account paid by the cell tower applicant. A second law suit associated with the proposed cell tower has surfaced creating an additional financial burden on the Village of Lakewood. One budget change presented involves dipping into the fund balance to pay for the proposed fuel dispensing facility. If the grant for the facility is awarded to SWCS and the Village of Lakewood there would be immediate savings regarding the cost of fuel. Trustee Barnes indicated that each and every department will experience a cut in their budget estimates and therefore not be fully funded. She said the revised tentative budget reflects a tax rate increase from the current rate of \$ 7.15/1,000 assessed value to \$ 7.20/1,000 assessed value, a rate which is below the "tax cap".

Mayor Birrittieri wished to note that costs associated with the development of the vehicle refueling facility is included in her tentative budget as presented.

Trustee Drago then began to list specific areas of the tentative budget where changes are being proposed. Personal services for employees, 2% raise versus the 3% as listed in the tentative budget, a \$1,000.00 decrease in the Mayor's contractual account, reduce the election account from \$ 1,000.00 to zero, reduce the building's fuel gas account by \$ 1,000.00, reduce the building's electric account by \$ 2,000.00, increase the liability insurance account by \$ 5,000.00, decrease the police salaries (overtime) account by \$ 3,000.00, increase the fire contractual account by \$ 4,500.00, increase fire equipment maintenance/testing account by \$ 5,000.00 and increase fire inspector salary by \$ 4,500.00 with monies generated through scheduled fire inspections.

APRIL 10, 2017 (CONTINUED)

Trustee Holcomb continued the proposed revisions to the tentative budget noting that the street maintenance/equipment account will be increased by \$ 26,000.00 from the fund balance to pay for the proposed refueling facility, (if and when the grant is received those monies will be restored to the fund balance), reduce the recreation administration/salaries from \$ 1,000.00 to zero, reduce the playgrounds contractual account by \$ 2,000.00, reduce the planning contractual account by \$ 3,000.00, reduce the trees account by \$ 4,000.00, reduce the appropriation for the Lakewood Memorial Library by \$ 3,000.00, to a total of \$ 65,950.00 and finally, increase the law contractual account by \$ 5,000.00.

Dr. Mueller asked the Trustees what was the savings in changing the projected raise in salaries from 3% down to 2%.

Trustee Barnes said she doesn't have an exact dollar figure, but it was significant.

Ms. Lynn Gruel, 110 Winchester Road, and Treasurer of the Lakewood Memorial Library, asked that the Trustees reconsider reducing the funding requested by the library by \$ 3,000.00. She indicated the library manages its budget clearly and carefully. Included in the library's budget request was a strategic plan which notes increases in participation, attendance and activities at the library. She implored the Board of Trustees to honor the

Lakewood Memorial Library's budget request by full funding their programs at the cost of \$ 69,500.00.

Mr. Michael Looker, 15 Owana Way, and Secretary of the Lakewood Memorial Library's Board of Trustees, indicated that he would like to "back-up" what Ms. Gruel just stated. He realizes the Village of Lakewood's budget was going to be tight and therefore the library was asking for only \$ 550.00 more than last year's budget request. He said it is shocking to learn this evening that the Board of Trustees are considering reducing this year's budget request by \$ 3,000.00.

Mr. Richard Rose, 42 Gifford Ave., said he visits local libraries quite often and that they are a very important asset to a community, especially to the Village of Lakewood. When local employers hire folks from out of town, they might think twice about relocating here if there is no library or if the local library is underfunded. It is therefore very important to fund the local library at the proper level.

Mrs. Mary Miller, Lakewood Memorial Library Director, indicated the past few years the library has received less and less funding from the Village of Lakewood. She said it is difficult to create new services to attract more users if the financial support isn't there. She asked the Board of Trustees to reconsider cutting their budget request by \$ 3,000.00.

Mrs. Nancy Padak, 159 Front Street, and member of the Lakewood Memorial Library's Board of Trustees, said the funding received from the Village of Lakewood, taking into consideration the \$ 3,000.00 decrease, will pay for only 56% of salaries and benefits. Not a single book, utilities, insurance or computers. The adjusted amount to be appropriated will only pay for 37% of the library's total budget. Mrs. Padak said how we invest our money makes a statement and she believes that the Lakewood Memorial Library is a good investment.

Mrs. Donna Simmons, 104 Sunset Ave., said she would like to put a more human touch on the services available at the Lakewood Memorial Library. During a recent visit, a gentleman came in asking for assistance to fax an employment application to a prospective employer. Two staff members took him under their wing and completed the task at hand in just a few minutes. That gentleman left the library most grateful. Mrs. Simmons said local libraries are more than just books.

Ms. Mary Seger, 31 Winchester Road, also a member of the Lakewood Memorial Library's Board of Trustees, wanted to reinforce what others have said. She said our library is a wonderful asset and makes a statement about the values the community has. People matter, ideas matter, learning matters. We on the board are always searching for different funding sources.

APRIL 10, 2017 (CONTINUED)

Ms. Seger said \$ 3,000.00 doesn't sound like much, but it is a huge to the library and it would be devastating to lose that funding.

Mr. David Card, 38 Chautauqua Ave., said he goes to the library each and every day, however on the rare occasion he misses a day, the Library Director calls him to check on his wellbeing.

Mr. Doug Schutte, 104 Winchester Road, said an observation he has made is,

99% of the discussion has been focused on expenses. He asked if there is anything that can be done on the revenue side of the ledger to raise the extra \$3,000.00 requested by the library.

Trustee Barnes wanted to let folks know that the Village of Lakewood provides some in-kind services to the library such as lawn maintenance and snow removal. Because of added expenses this past year, namely the law suits associated with the proposed cell tower, each and every department will be experiencing cuts in their funding.

Mr. Schutte indicated as Mr. Barger mentioned earlier the Village of Lakewood is facing a new paradigm wherein revenues are going down, not up. The Village of Lakewood needs to think of how to generate more revenue and grants are certainly one way to do so. The Village of Lakewood currently employs a part time Code Enforcement Officer. With the number of sub-standard properties throughout the Village of Lakewood, there are only so many man hours the Code Enforcement Officer can dedicate to property maintenance. Mr. Schutte suggested that a study be done to determine if opportunities are there to warrant the hiring of another Code Enforcement Officer, which could result in the improvement of neighborhoods while increasing revenue through property maintenance enforcement. He said cutting budgets is a hard thing to do and more needs to be done to create opportunities to raise revenues. Mr. Schutte said the local library is very important to the Village of Lakewood and instead of cutting its budget request maybe some money can be found elsewhere on the revenue side of the ledger.

Trustee McCague said Mr. Schutte makes a good point, for the most part when creating a budget no one looks at revenues. Mr. McCague said there is a STOP-DWI revenue account which was budgeted at \$12,000.00 and year-to-date, \$ 17,000.00 has been generated.

Village Treasurer Windoft indicated that particular revenue account is driven by the amount of man hours, some of which is overtime, officers from the Lakewood-Busti Police Department spend over the course of a fiscal year enforcing Driving While Intoxicated (DWI). Per the STOP-DWI agreement with the County of Chautauqua, the Village of Lakewood is reimbursed for those labor costs spent enforcing DWI.

Mr. Louis Drago, 9 Brook Street, as a former County Legislator, said the revenue generated enforcing DWI goes back into STOP-DWI programs. It is not considered revenue that can be used to offset other budget line items.

Dr. Mueller asked where does the difference in the monies going out and coming in go. Also, he asked for the Treasurer to take a look at the savings in FICA and Medicare costs if indeed the proposed employee wage increases drop from 3% to 2%. He said there might be enough savings to fully fund the library.

Village Treasurer Windoft briefly explained how the expenses and revenues associated with the STOP-DWI program cancel each other out and told Dr. Mueller she would be happy to take another look at the potential savings with the decrease in the FICA and Medicare costs as they relate to salary decreases.

Trustee Drago said last year the Board of Trustees agreed to appropriate \$ 4,000.00 more for the library than it received the previous year. She said it wouldn't look good if the budget reflected a 2% raise for employees instead of 3%, and end up appropriating more for the library.

Trustee Barnes said by dipping into the fund balance, each department is taking a cut and suggested that the library conduct fund raisers over the year to close their budget request gap.

APRIL 10, 2017 (CONTINUED)

Ms. Gruel said with all due respect the library does conduct fund raisers each year, however to continue to increase the services provided by the library she asked that the Village of Lakewood to please consider to fully fund the Lakewood Memorial Library at the requested figure of \$ 69,500.00.

Trustee Barnes asked if the library would consider tapping into any endowment money to make up the difference, saying there are two sides to each budget request. Trustee Barnes said there is no disputing that the library is a gem and the services it provides are greatly appreciated.

Ms. Gruel then referenced the comprehensive plan survey data, which indicated that the library had an 82% satisfaction rate, which happened to be the highest rated service provided by the Village of Lakewood. All we are asking for is a consistent level of financial support from the Village of Lakewood.

Mr. Looker indicated the library won't be able to continue increasing its services without the appropriate funding.

Trustee Barnes said she will take the Lakewood Memorial Library's request for full funding under consideration.

Trustee McCague said one of the budget revisions introduced by Trustees Barnes, Drago and Holcomb, was to take the \$ 26,000.00, earmarked for the vehicle refueling facility, out of the budget. He then asked Department of Public Works Supervisor Thomas R. Pilling what is the specific timeframe for this project.

Trustee Holcomb interjected saying the \$ 26,000.00, per their revised tentative budget, was going to be taken from the fund balance and if the grant was to be awarded, that dollar amount would be deposited back into the fund balance.

Mr. Pilling said the grant application deadline is toward the end of October and applicants would be notified in December if they were awarded the grant money.

Mr. McCague then asked the question, is this particular grant is a reimbursement grant. He then wondered if this project could be delayed one year, which would allow a portion of the \$ 26,000.00 to go to various accounts where funding has been cut, such as the library, recreation, trees, planning, etc. Trustee McCague said it would seem reasonable, if the grant is a reimbursement grant, to delay this project one year.

Trustee Barnes asked Mr. Pilling if he could check with the school district on the particulars regarding the grant application for the joint vehicle refueling facility.

Mr. Schutte asked if there is a total dollar figure on how much is generated via grants annually for the Village of Lakewood or what to expect in grant funding for 2017. He then suggested that maybe a portion of the \$ 26,000.00 Trustee McCague mentioned, could be used to hire someone to assist the

Village of Lakewood with grant writing. He said grant writing seems to be a lucrative option for the Village of Lakewood, adding one can't continue cutting the budget without exploring other avenues for revenue.

Mayor Birrittieri said the Village of Lakewood is constantly looking for grant opportunities. The largest grant received by the Village of Lakewood was the recent CHRIC grant in the amount of \$ 492,500.00, which is currently being utilized to upgrade a number of residential properties throughout the village.

Trustee Drago said the \$ 26,000.00 was to come out of the fund balance with the idea, when the grant is awarded, the money would be restored to the fund balance.

Trustee Holcomb asked that the Board of Trustees be given the opportunity to continue to work on a revised tentative budget the next two weeks.

APRIL 10, 2017 (CONTINUED)

Mayor Birrittieri indicated that a budget should be adopted at the next regular meeting in two weeks, otherwise the tentative budget will go into effect, something that she doesn't see happening. Mayor Birrittieri said she is very encouraged by the discussions this evening on different budget funding options.

Mr. Bargar asked when will the general public be able to look at the revised tentative budget, adding he would be interested in how the revisions impact the overall budget.

Mayor Birrittieri said the revisions as proposed by the three Trustees are on record, however it remains to be seen if all the proposed changes will make-up a revised tentative budget in two weeks.

Trustee McCague suggested that the Treasurer plug-in the revised figures into the current tentative budget so as to provide the public something to compare with the Mayor's tentative budget.

Mayor Birrittieri said the revisions introduced by the three Trustees will be part of the minutes as proposals only, and not something that needs to be acted on this evening.

Village Treasurer Windoft indicated that everyone looks at the bottom line as the tax rate and taxpayers don't like to hear their taxes are going up. As a taxpayer and twenty year employee of the Village of Lakewood and listening to the same budget arguments year after year, if taxes aren't raised, whether it be two cents or fifty-seven cents/1,000 assessed value, as depicted on the tax rate chart, we are at a standstill and not in a financial position to grow. Mrs. Windoft said it is her opinion that taxes must keep up with the increase in necessary expenses to run a municipality. She said the "tax cap" is something forced on local municipalities by Albany. If the Village of Lakewood wishes to grow, it can not continue to have a "flat" tax rate any longer.

Mayor Birrittieri said Mrs. Windoft speaks with twenty years of experience as Village Treasurer and going through the budget process year in and year out, adding her comments are striking. Mayor Birrittieri said what she has tried to do since being elected is attempt to grow the Village of Lakewood in

little ways. Her Events & Marketing Committee is up and running and there has been success in growing some of the local events such as the 4th of July Summerfest and Christmas in the Village. The \$ 15,000.00 that was previously appropriated annually for the Busti-Lakewood Recreation Commission, is no more and the Village of Lakewood has failed to reinvest in a recreation program. There are other ways to do recreation, and as a wellness community, we need someone to coordinate recreation and other activities in the Village of Lakewood. The beauty of a village government, everything taxpayers pay for are for tangible services they receive. The more people and businesses coming into the village, the more it allows it to grow. Mayor Birrittieri said she would like to keep our dedicated employees happy and is troubled with having a police union contract that is negotiated to a point where there could be a discrepancy in the pay rate increases between union and non-union employees.

Trustee Barnes said for the record, most area law enforcement agencies are getting 1% or 2% pay raises this year.

Ms. Laurie Shults, 6 Alta Way, indicated she would like to have the Lakewood Memorial included in Lakewood's Wellness day scheduled for Sunday, June 4th, because the event is about education and being active in the community. She would also like to encourage the Village of Lakewood to fully fund the Lakewood Memorial Library's budget request.

Mayor Birrittieri encouraged taxpayers to contact members of the Board of Trustees and voice their opinions on the budget, prior to its adoption, which is expected to happen at the next regular meeting, Monday, April 24, 2017.

Mr. Schutte said he would like to make one final comment, based somewhat on what Mrs. Windoft said, and that is, as Americans we are not afraid to pay for value. We have a wonderful comprehensive plan in place, which can build some energy and interest in the community.

APRIL 10, 2017 (CONTINUED)

Taxpayers shouldn't fear the Village of Lakewood exceeding the "tax cap" if the money is put towards tangible improvements to grow the community, not shrink it. He said it boils down to how the budget is presented.

Fire Chief Kurt W. Hallberg, 3 Delaware Ave., indicated as a resident, if one looks at the tax rate chart prepared by Village Treasurer Windoft, and if the \$ 7.72/1,000 assessed value tax rate would be adopted by the Board of Trustees, the tax rate would only be \$.24/1,000 assessed value higher than the tax rate twenty-five years ago. He thanked the Board of Trustees for trying to keep taxes low, however what the taxpayer gets for their village tax dollar is incomparable to their other real property tax bills.

Trustee McCague said at the tax rate of \$ 7.72/1,000 assessed value, the owner of a property assessed at \$ 100,000.00, would pay \$ 56.00 more than what they pay now in village taxes.

Mayor Birrittieri said the Board of Trustees has done a terrific job in trying to keep the tax rate down. She said the "tax cap" is a great goal to have, but in certain economic times it is unrealistic.

Mr. Rose said on behalf of the Tree Committee he would like to thank the Board of Trustees for the funds they have appropriated for their use in past years, adding it is important to have funding as leverage when applying for grants. Mr. Rose then announced that the Tree Committee will be conducting an

Arbor Day celebration 12:30 PM, Friday, April 28th, at the Lakewood Dog Park. Everyone is welcome.

Library Director Mrs. Mary Miller also announced that the Lakewood Memorial Library will be holding a Volunteer Appreciation Day & Open House, 10:00 AM - 1:00 PM, Saturday, April 29th.

With no one else to be heard Mayor Birrittieri closed the public hearing at 8:15 PM, and proceeded to reopen the regular meeting.

REPORTS (CONTINUED)

Department of Public Works Supervisor Thomas R. Pilling said he would like to receive permission from the Board of Trustees to rehire Mr. James Fye, as a seasonal Parks Department employee at an hourly rate of \$ 12.00/hr., beginning Wednesday, April 26th. Mr. Pilling also reported that two (2) used dump trucks are presently listed for sale on the Auctions International web-site and right now it is a wait and see what they might sell for. Mr. Pilling said if the prices aren't what he thinks they should be, he may decide to continue to list the trucks on the web-site.

Mr. Pilling indicated that the Jamestown BPU is currently installing a new water main along East Summit St. and the owner of the property adjacent to the former canal between Gerald Ave. and Olive Ave., asked if the spoils from the water main excavations could be backfilled onto the former canal property.

Village Attorney LaMancuso suggested it would be prudent to check with an environmental expert prior to backfilling any property on which there might be some standing water.

Mr. Pilling said he will check with an engineer concerning this standing water and backfilling question.

RESOLUTION #47-2017 - AUTHORIZE THE HIRING OF A SEASONAL PARKS DEPT. EMPLOYEE

Motion by Trustee Holcomb, seconded by Trustee Barnes, to authorize the hiring of Mr. James D. Fye, 2042 Winch Road, Lakewood, N.Y., as a seasonal Parks Department employee beginning April 26, 2017.

Mr. Fye will be compensated at a rate of \$ 12.00/hr., per the recommendation of DPW Supervisor Pilling.

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

APRIL 10, 2017 (CONTINUED)

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to two hundred eight alarms year-to-date. Some notable alarms the past month include a structure fire at Fairmount Hills Apartments, the severe wind storm on March 8th that brought down trees and wires throughout the village, assisting the Jamestown Fire Department with the numerous arson fires, mutual aid response to the Village of Falconer following a major structure fire within their business district and a contractor struck a gas line while working on the new Honda dealership project, causing Rt. 394 to be closed for a few hours. Chief Hallberg also reported that there were forty-one EMS calls during the month of March. Chief Hallberg announced that the Lakewood Fire Department will be having an Open

House in conjunction with the Recruit New York Program, Saturday, April 29th and that there will be a benefit for Linda McCray, wife of LFD member Jack McCray, Sunday April 30th at the Lakewood American Legion Post #1286, from 1:00 - 6:00 PM.

Village Attorney LaMancuso indicated that Special Counsel Richard E. Stanton, Esq., Buffalo, N.Y., has confirmed that he will take part in an executive session of the Board of Trustees, following its regular meeting set for Monday, April 24th.

Mr. LaMancuso wanted to make members of the Board of Trustees aware that the current three year labor agreement with the L-BPD union employees runs through May 31, 2017, called for a 2% raise the first year, a 2.5% raise the second year and a 3% raise the third year. If there is no new labor agreement in place by May 31, 2017, the current agreement will continue until a new labor agreement is agreed upon. Mr. LaMancuso said there are plans to meet with CSEA officials and representatives from the police union later next month to initiate contract negotiations.

Mr. LaMancuso said in connection with the real property matter at 519 East Terrace Ave., Mr. Edward Papke, who has agreed to the sale price of \$ 5,000.00, has asked through his attorney Samuel P. Price, Jr., Esq., if the Village of Lakewood would be agreeable to incur the cost of the necessary property survey. Mr. LaMancuso also suggested that the Board of Trustees consider setting a time and date to conduct a public hearing to discuss and review this proposed conveyance of Village of Lakewood owned property. The Village of Lakewood should also go on record stating the property in question is no longer needed for municipal purposes. Mr. LaMancuso said he will speak with Mr. Price to see if his client is agreeable to incurring the cost of a survey.

Trustee McCague suggested that it is time for the Village of Lakewood move forward on this matter.

Village Treasurer Windoft wished to report that the Village of Lakewood recently received the unpaid 2016-2017 Village of Lakewood taxes, in the amount of \$ 49,000.00, from the County of Chautauqua.

COMMITTEE REPORTS

Trustee Holcomb said he is pleased to report that the paperwork in connection with the New York State Energy Research & Development Authority (NYSERDA) grant application is 75% completed.

RESOLUTION #48-2017 - APPROVE LAKEWOOD MEMORIAL LIBRARY AGREEMENT

Motion by Trustee McCague, seconded by Trustee Drago, for the Board of Trustees to approve the Agreement between the Lakewood Memorial Library and the Village of Lakewood as presented and to authorize Mayor Birrittieri to execute same.

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

APRIL 10, 2017 (CONTINUED)

RESOLUTION #49-2017 - APPROVE VILLAGE ATTORNEY RETAINER AGREEMENT

Motion by Trustee Holcomb, seconded by Trustee McCague, for the Board of Trustees to approve the terms of the annual Retainer Agreement, in the amount of \$ 15,000.00, between John I. LaMancuso, Esq., of Lewis & Lewis P.C., Attorneys & Counselors at Law, Jamestown, N.Y. and the Village of Lakewood and to authorize Mayor Birrittieri to execute same.

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

RESOLUTION #50-2017 - APPROVE STORMWATER ENGINEERING STUDY AGREEMENT PART #1

Motion by Trustee Barnes, seconded by Trustee McCague, for the Board of Trustees to approve the Stormwater Management Engineering Study Agreement between the Village of Lakewood and the County of Chautauqua and to authorize Mayor Birrittieri to execute same.

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

RESOLUTION #51-2017 - APPROVE STORMWATER ENGINEERING STUDY AGREEMENT PART #2

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to approve the Lakewood/Busti Stormwater Management Engineering Study Agreement between the Village of Lakewood and the Chautauqua Lake & Watershed Management Alliance, Inc., Jamestown, N.Y. and to authorize Mayor Birrittieri to execute same.

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

RESOLUTION #52-2017 - APPROVE & ACCEPT WEBSITE DESIGN PACKAGE

Motion by Trustee Holcomb, seconded by Trustee McCague, for the Board of Trustees to approve and accept the website design package as presented by Tint Press, Jamestown, N.Y., for the quoted price of \$ 1,700.00 and authorize Village Treasurer Andrea J. Windoft to remit a \$ 500.00 down payment from the current budget account A-8020.40 [Planning Contractual].

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

RESOLUTION #53-2017 - AUTHORIZE MIDYEAR BUDGET TRANSFERS

Motion by Trustee Holcomb, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to make the following midyear budget transfers due to account overages; \$ 148.22 from Account A-5110.45, [Streets Diesel Fuel] to Account A-5110.40 [Streets National Fuel], \$ 44.31 from Account A-3410.48 [Fire Uniforms/Gear] to Account A-3410.49, [Fire EMS Supplies] and \$ 282.32 from Account

A-9010.80, [Police Retirement] to Account A-1420.40 [Law Contractual].

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

RESOLUTION #54-2017 - AUTHORIZE LEVYING OF UNPAID WATER BILLS ON VILLAGE TAX BILLS

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing the City

of Jamestown Board of Public Utilities - Water Division, to compile a list of unpaid water bills for properties in the Village of Lakewood which will then be levied onto the 2017-2018 Village tax bill for the corresponding property. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

APRIL 10, 2017 (CONTINUED)

RESOLUTION #55-2017 - AUTHORIZE PREPARATION OF 2017-2018 VILLAGE TAX BILLS

Motion by Trustee McCague, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft and the Chautauqua County Division of Taxation to prepare the Village of Lakewood's 2017-2018 Village tax bills in accordance with the most recent tax roll on file. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #56-2017 - APPROVE & ACCEPT REQUEST FOR PROPOSAL

Motion by Trustee McCague, seconded by Trustee Holcomb, for the Board of Trustees to approve and accept the Request for Proposal as submitted by LaBella Associates, Buffalo, N.Y., as it pertains to the Village of Lakewood's desire to prepare and submit an application through the New York Main Street Technical Assistance Grant Program, to fund a Main Street Master Plan. It was noted that LaBella submitted the lower of the two quotes received. Trustee McCague indicated that the only difference in the two proposals received was the cost to prepare the grant application. Clinton Brown Co. Architecture, P.C., Buffalo, N.Y. fee was \$ 1,950.00 versus LaBella Associates fee of \$ 1,200.00. Mayor Birrittieri stressed that it is necessary to incur some costs when trying to bring funding from New York State into our community. She added the cost to prepare a new Main Street Master Plan would be paid through the grant. Also, having a wonderful Comprehensive Plan in place, can only help the Village of Lakewood's chances to be awarded the \$ 21,000.00 grant. Mr. Rose said the grant process to acquire funding is a series of steps. In this case step one is to accept the RFP, leading to step two, the development of a new Main Street Master Plan, which could lead to step three, funding to implement the Main Street Master Plan, wherein each step leverages against the previous step. Adopted: 3 ayes, (Drago, Holcomb, McCague), 1 nay (Barnes)

RESOLUTION #57-2017 - APPROVE 2017 DOCK PERMIT APPLICATIONS

Motion by Trustee McCague, seconded by Trustee Holcomb, to approve the following 2017 Dock Permit applications; Mark Ramsey, 8 Oakland Ave., for the Oakland Ave. right-of-way, Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. right-of-way and Jeff Weemhoff & Jeff Rog, 159 & 158 East Terrace Ave, for the Glenwood Ave. right-of-way. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #58-2017 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee McCague, to set 6:40 PM, Monday, April 24, 2017, as the time and date for the Board of Trustees to conduct a public hearing to review a Special Use Permit (6 ft. Fence) application as submitted by Mr. Hugh LeBlanc, 111 Laurel Street.

Adopted: \$ ayes, no nays (Barnes, Drago, Holcomb, McCague)

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried the Board adjourned at 9:03 PM.

Joseph M. Johnson
Village Clerk