

APRIL 11, 2016

The seventh regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, April 11, 2016 at 6:00 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo, Susan F. Drago, and Randall G. Holcomb. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney Edward P. Wright, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent was Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held March 28, 2016. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

AUDIT OF CLAIMS

Motion by Trustee Holcomb, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated April 11, 2016 be approved and that the Clerk shall execute said abstracts (#46 & #47) and direct payment by the Treasurer. Trust & Agency Fund: \$ 52,550.08, (Checks #3698 thru #3709), General Fund: \$ 44,889.61, (Checks #12613 thru #12652). Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

REPORTS

Mayor Birrittieri indicated that she is excited to announce the Village of Lakewood and the Events & Marketing Committee have booked "Preach Freedom & Connect", a high energy band for the 4th of July Summerfest. Local members of the band include Steve Davis and 2006 Chautauqua Lake Idol winner

Marla Harris. Mayor Birrittieri also noted the Events & Marketing Committee is working on other facets of the 4th of July Summerfest including a VIP area where people will be able to mingle with the Professional Golfers Association's (PGA) web.com tour players participating in the LECOM Health Challenge tournament at the Peek'n Peak Resort, July 7th - 10th. Mayor Birrittieri said the committee is also working to include more activities for kids as part of the 4th of July Summerfest. Stay tuned for announcements.

Mayor Birrittieri also announced that with the help of Mary Seger and Bill Burk the Village of Lakewood has submitted a grant application to the Major League Baseball's - Baseball Tomorrow Fund. If awarded to the Village of Lakewood the funds will be use to complete the infield turf and fencing at the baseball field currently under construction. Mayor Birrittieri said the Village of Lakewood has also submitted a grant request to the Lenna Foundation for additional funding to be used to complete the baseball field.

Mayor Birrittieri said she and D.P.W. Supervisor Thomas R. Pilling have discussed the Village of Lakewood's brush pick-up policy and have come to the conclusion that it is in the best interest of the Village of Lakewood to return to the one time brush pick-up conducted by the D.P.W. in the spring. This year's brush pick-up will commence Monday, May 2nd.

Residents are asked to have materials for pick-up curb-side by May 1st. Following the one-time brush pick-up residents, with the proper sticker, are welcome to take brush and yard waste to the prepared site on Packard Ave. Mayor Birrittieri said those residents who leave brush and yard waste out for pick-up past the May pick-up will be notified and could be subject to fines. Mayor Birrittieri said because the process is so time consuming, eliminating the monthly brush pick-up will free up the D.P.W. crews to repair streets & sidewalks, maintain the parks and undertake other projects.

APRIL 11, 2016 (CONTINUED)

In conclusion, Mayor Birrittieri said the budget process has been extremely challenging and credited Village Treasurer Andrea J. Windoft for her guidance and diligence in helping to carve out a meaningful budget we all can live with. Mayor Birrittieri said the tentative budget for the fiscal year June 1, 2016 - May 31, 2017 remains under the NYS imposed tax cap, so as not to burden taxpayers any more than they need to be.

Department of Public Works Supervisor Thomas R. Pilling reported he has received a quote in the amount of \$ 300.00 for the repair of paver blocks at the corner of Chautauqua Ave. and West Third Street, which were damaged by a contractor working at 120 Chautauqua Ave. Mr. Pilling also reported the annual CHIPS funding figures have been released. The Village of Lakewood will be receiving a total of \$ 135,062.09, (\$ 109,962.14, CHIPS & \$ 25,099.95, PAVE-NEW YORK).

Police Chief John R. Bentley said rather than trying to enforce an antiquated code with respect to depositing brush and other yard waste in the public right-of-way, per the suggestion of Village Attorney Wright, it would be better to draft a new local law specifically geared toward residents' mismanagement of brush and other yard waste. Chief Bentley indicated that the Lakewood-Busti Police Department has responded to two thousand nine hundred thirty-five reportable incidents year-to-date. Activity the past two weeks included thirteen assists to other agencies, three domestic disputes, two Driving While Intoxicated (DWI) arrests and twelve motor vehicle accidents.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to two hundred fifteen alarms year-to-date, twenty-eight of which occurred during the past two weeks. Also, six members of the Lakewood Volunteer Fire Department took part in "flash over" training yesterday in Stockton, conducted by the New York State Fire Chief's Association.

Village Treasurer Andrea J. Windoft indicated by rolling over monies in the CHIPS funding budget line item, the figures total \$ 138,678.00. She added when the budget is finally adopted that figure will have to be adjusted accordingly in both the revenue and expense columns. Adjusting this line item will have no bearing on the tax rate or tax levy.

ANYONE TO BE HEARD

Mr. Thomas Simons, 104 Sunset Ave., wanted to know what the acronym CHIPS stands for and asked how is the brush pick-up policy changing from last year.

D.P.W. Supervisor Pilling indicated to Mr. Simmons that CHIPS stands for Consolidated Local Street & Highway Improvement Program and is funding the State of New York annually provides to counties, townships, cities and villages to spend on capital projects.

Mayor Birrittieri indicated to Mr. Simmons, unlike last year when the D.P.W. crews conducted a monthly brush pick-up from May thru October, this year, as was the case a few years ago, the D.P.W. crews will be picking-up brush and other yard waste only once. Mayor Birrittieri stressed the one time village-wide brush pick-up will commence Monday, May 2nd. Going forward, residents are asked to take their brush and yard waste to the prepared site on Packard Ave.

Chautauqua County Legislator P.J. Wendel said as a follow-up to a question asked of him two weeks ago, Chautauqua County is looking into the possibility of forming a consortium of municipalities and school districts throughout the county to leverage a better deal when it comes to providing employee health care. Mr. Wendel said area school districts have been very successful in doing so.

Mayor Birrittieri asked Legislator Wendel if he has anything new to report regarding the scheduled repairs to the bridge on County Highway #110, (East Terrace Ave.).

APRIL 11, 2016 (CONTINUED)

Mr. Wendel said he hasn't heard anything new but would be happy to check with Mr. George Spanos, Chautauqua County DPF Director, on the status of the proposed bridge repairs.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes to recess the regular meeting so as to conduct a previously scheduled public hearing.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

PUBLIC HEARING - 6:15 PM
2016-2017 TENTATIVE BUDGET
VILLAGE OF LAKEWOOD

Mayor Birrittieri opened the public hearing at 6:15 PM and asked the Clerk to read the public hearing notice as it appeared in the Village of Lakewood's official newspaper. Mayor Birrittieri said preparing the tentative budget has been challenge. With the help of Village Treasurer Andrea J. Windoft we were able to craft a budget that stayed under the NYS imposed tax cap. Mayor Birrittieri explained they were able to make modest budget cuts in some non-essential services, however one budget item that loomed before us was the cost to replace the flat roof on the Anthony C. Caprino Municipal Building. To her credit Treasurer Windoft massaged some budget figures and worked out a way to pay for the new roof. Without going into any further detail, Mayor Birrittieri asked for comments from the Board of Trustees.

Trustee Drago indicated she has gone through the tentative budget line by line and suggested some reductions in some accounts and additions to other accounts, but would prefer to hear any public comments first.

Mayor Birrittieri said her goal was to keep spending in check and did so by proposing only a \$.02/1,000 assessed value increase in the tax rate. Mayor Birrittieri said one area of the budget that she thought could be cut is the salaries for lifeguards. She said activity at the beach has decreased over the past few years and believes the \$ 12,000.00, previously appropriated for lifeguard salaries could be better spent elsewhere. Mayor Birrittieri said she would like to see the beach area more accessible and therefore would like to see some of the money saved on the lifeguard salaries spent on a new more decorative fence and walkways at the park. Mayor Birrittieri said she would like to see swimming continue at the park however there are some liability questions that need answers, if indeed lifeguards were to be eliminated.

Mr. Louis S. Drago, Jr., 9 Brook Street, said it doesn't make sense to spend the money one saves on the lifeguards to erect a new fence.

Mayor Birrittieri said the new fence would maintain the separation between the beach and the rest of the park, while at the same time present a more attractive setting.

Mr. Drago said with the difficult budget year, as described by the Mayor, he believes the money to be spent on a new fence could be better spent elsewhere.

Trustee Barnes indicated that tonight's discussion is the first time she has heard talk of eliminating the lifeguards at the beach.

Trustee Holcomb asked Police Chief Bentley if he had any opinion regarding the existing fence that encloses the beach area.

Chief Bentley said that the fence is a barrier between the beach area and the rest of the park.

APRIL 11, 2016 (CONTINUED)

Mayor Birrittieri said she sees the existing fence as a barrier to the elderly from accessing the lakefront. If money can be saved eliminating lifeguard salaries than that money should be spent to further enhance the park.

Mrs. Jane Gesing, 103 Lakeview Ave., said back in the 1950's there wasn't a fence or any lifeguards on duty. People just came to the park with family members and went swimming. Mrs. Gesing asked if the beach house would be open and maintained if there were to be no lifeguards on duty.

Mayor Birrittieri said the bottom line is that the beach is underutilized and it is her understanding that most of the people that use the beach aren't local residents. She said the facility, which is very nice and we are lucky to have it, is also utilized by the Chautauqua Lake Community Sailing Foundation.

Dr. Rudolph J. Mueller, 7 Sunset Ave., said he wouldn't mind seeing the fence at the beach replaced, adding he thinks it is ugly. Dr. Mueller said if the Village of Lakewood can stay under the tax cap that would be great and it would be an example of how to keep government spending under control. He noted the Town of Busti's budget has gone over the tax cap the past three years.

Dr. Mueller then asked if the Village of Lakewood's appropriated reserve fund totaled \$ 120,000.00 and if any of these funds were used towards this year's budget.

Dr. Mueller wanted the public to know that the Village of Lakewood represents 47% of the Town of Busti's total assessed value. Village taxpayers pay 100% of the maintenance and upkeep of this building and 47% of the upkeep for the Town of Busti offices on Chautauqua Ave.

Trustee Di Salvo suggested to the Village Clerk that the Tentative Budget be posted on the Village's web site in the interest of full disclosure and transparency, to allow residents to take a look at it without the expense of making copies.

Mayor Birrittieri then asked Village Treasurer Windoft to briefly explain how the new roof will be funded without impacting the tax rate for the upcoming fiscal year.

Village Treasurer Windoft indicated that she intends to encumber funds from the current budget to pay for the new roof. Because the projections for this fiscal year's contributions to the New York State Retirement Systems (Local Employees & Police & Fire) came in higher than what was invoiced, there is a balance of \$35,000.00 in those accounts. Normally that money would be "rolled over" into the fund balance and although the roof repair is an unbudgeted item, the Village of Lakewood can choose to use this money to pay for the new roof rather than raise the tax rate.

Mayor Birrittieri said finding an alternative way to pay for the new roof, versus raising taxes, was a main factor in keeping the tentative budget under the tax cap. Mayor Birrittieri credited Mrs. Windoft for combing through the current budget to find a way to fund the new roof versus raising taxes. The sooner the roof is replaced, the better.

Mrs. Donna Simmons, 104 Sunset Ave., asked Mayor Birrittieri if any other money could be reallocated for other purposes, namely the Lakewood Memorial Library.

Mayor Birrittieri said it has been a tug-of-war between different interests. Although the Lakewood Memorial Library is a real gem of the community, there is a need for signage and new pathways throughout the park.

Mr. John Jablonski, III, 213 Spruce Street, said he believes it is important to keep the beach area accessible for public swimming and encouraged Mayor Birrittieri and the Board of Trustees not to eliminate the \$ 12,000.00 allocated for lifeguard salaries, until it is know for sure a municipality can operate a public beach without lifeguards.

APRIL 11, 2016 (CONTINUED)

Mayor Birrittieri said her desire to remove the existing chain link fence is in the spirit of her idea to make the beach area more accessible.

Village Attorney Wright indicated the Village of Lakewood is waiting to hear back from the Chautauqua County Health Department on what regulations are in place regarding public bathing beach supervision requirements.

Trustee Barnes said a barrier around the beach area isn't such a bad thing

but doesn't believe the existing fence is in such disrepair that it needs to be replaced at this time.

Ms. Tillie Solomonson, 2 Waldemere Way, said she believes the existing chain link fence around the beach area is more of a hindrance than a help.

Mr. Peter Dawson, 24 Lakeview Ave., said he has vivid memories of playing at the beach when Lake Street went right through the park. One of the initial justifications for the fence was to provide a barrier between the beach area and the road. Eventually the Village of Lakewood decided to block-off Lake Street from Packard Way to Pennsylvania Ave.

Mr. Richard Rose, 42 Gifford Ave., said he has put on paper a couple ideas regarding future pathways in the park and is sure there are some other good ideas how to improve the park. As a member of the Comprehensive Plan Steering Committee, he suggested any major changes at the park should wait until after the Comprehensive Plan is completed.

Mayor Birrittieri said summer is such a short season and because it is right around the corner, prompted her to suggest some changes in the park. It becomes a matter of different parts of the budget coming together with the needs of the community.

Mr. David G. Bargar, 11 Sunset Ave., said he and three other residents, Ms. Pam Fardink, Mr. Doug Shutte and Mr. David Shepard, were appointed to Mayor Birrittieri's Citizen's Budget Advisory Committee. Mr. Bargar said they spent time the past four weeks meeting with the Board of Trustees, the Finance Committee, the Village Treasurer and the various department heads to get some feedback from those having firsthand experience with the budget process. What he and the committee learned was the Village of Lakewood runs on a very tight budget and for the most part money is shifted from one account to another when an overage occurs. The Village of Lakewood along with the rest of the municipalities in WNY find themselves strapped financially. Obviously, nobody wants higher taxes. Mr. Bargar said we as a community need to review the structural aspects of the Village of Lakewood's budget from a business point of view. One of the observations of the committee was how can a member of the Board of Trustees make a major budget decision without adequate financial information in front of them, such as a spreadsheet. Mr. Bargar said he wouldn't think of running a business or even his household budget without the benefit of a financial spreadsheet. The committee sees the need of spreadsheets for financial modeling for the long term and for the powers that be think in terms of smart growth. The fire department, which has had a fifteen year financial plan in place since the mid '80's, is a great example for other departments to follow when it comes to long range financial planning. With sound financial planning, in five years we should be able to put more money in the hands of our elected officials, without raising taxes. Mr. Bargar said it comes down to structural changes and better planning and it is recommended by the NYS Comptroller's Office for municipalities to develop a Capital Fund Program. On behalf of the citizen's budget advisory committee, Mr. Bargar thanked Mayor Birrittieri for letting them be a part of the Village of Lakewood's budget process.

Mayor Birrittieri thanked the members of the Citizen's Budget Advisory Committee for their time and energy. Not knowing what was going to come from their involvement, it is clear that the Village of Lakewood needs to look at budgeting in the long term.

APRIL 11, 2016 (CONTINUED)

Trustee Barnes indicated that she would like to introduce a motion to adjust some of the dollar totals in the individual accounts in Mayor Birrittieri's tentative budget as presented. Trustee Barnes said the adjustments include reductions in some accounts and increases in other accounts.

Of the seven accounts listed by Trustee Barnes for reductions, three representing larger dollar amounts included account A-7140.20, Parks Equipment (new fence), \$ 10,000.00, Account A-7471.40, Library, \$ 3,000.00 and Account A-8020.40, Planning, \$ 5,000.00. Reductions in the seven accounts totals \$ 21,000.00.

Mayor Birrittieri said the \$ 10,000.00 reduction in Parks Equipment represents the cost of the new decorative fence and other planned improvements to the park which was reallocated in eliminating the \$ 12,000.00 for Lifeguard salaries.

Trustee Barnes said she would like to "freeze" the annual appropriation for the Lakewood Memorial Library and ask for them to look at their budget more closely to see if there are any areas they can cut. Their request for an extra \$23,550.00 this year was unrealistic.

Mr. Benjamin Blood, Secretary of the Lakewood Memorial Library, said with all due respect the Library has looked at their budget in detail and have made all the cuts they can. Mr. Blood said the Library has been very open with their budget process. The bottom line is the Town of Busti has cut their appropriation by \$ 25,000.00 and the Village of Lakewood has "frozen" its appropriation the last couple of years. On behalf of everyone who supports the library, it is very frustrating to listen to accusations that the Library Board isn't managing its finances properly.

Trustee Barnes said it is a very difficult budget year and after making adequate appropriations for essential services, (police, fire, street departments), it is challenging to find enough money for everything else.

Mr. Blood said the library is an essential community service and the numbers reported in the comprehensive plan survey bear that out.

Trustee Barnes said the Lakewood Memorial Library is a community gem.

Mr. Blood said well that gem should be funded properly. What else does the library need to do to request the proper funding?

Trustee Barnes said this year's tentative budget is "bare bones". It isn't that the Village of Lakewood doesn't want to fund the library, but it has come to the point where other funding sources need to be looked into.

Mrs. Mary Miller, Library Director, said she did a calculation from the American Library Association on library value and this past year the Lakewood Memorial Library provided four dollars of value for every dollar spent.

Trustee Barnes said although a library is an essential community service, it isn't the police, fire or street departments.

Mr. Blood said the library is indeed as essential as the fire, police and

street departments, in that it is the hub for community wide events and the place where the youth of the community are educated. Mr. Blood said he can't believe people have deemed the library less than essential.

Village Attorney Wright said as a point of order the Board of Trustees is in the process of introducing a motion and there are appropriate times when the motion may be commented on.

APRIL 11, 2016 (CONTINUED)

Mayor Birrittieri said it is a point well taken but believes it is important for the public to comment on the proposed line item adjustments as they are mentioned.

Mayor Birrittieri said her tentative budget included \$ 5,000.00 in account A-8020.40, (Planning), to fund a few extra components of the Village of Lakewood's Comprehensive Plan, that is near its final draft form.

Trustee Di Salvo indicated that the adoption of the Comprehensive Plan will require, per NYS regulations, the preparation of a draft generic Environmental Impact Statement (EIS), which is rather involved. Trustee Di Salvo said the process includes scoping and comment sessions which are then reviewed and evaluated by the professional planner before the submission of a final generic Environmental Impact Statement (EIS). The Board of Trustees can not adopt a plan until the State Environmental Quality Review (SEQR) rules and regulations are complied with. Trustee Di Salvo stressed the services this money will pay for are essential, not optional.

Mr. Edward J. McCague, 12 Park Lane, and Chairman of the Comprehensive Plan steering committee indicated Trustee Di Salvo said it well. The comprehensive plan is paid for and all we are talking about is a few "bare bone" costs to get the plan through the adoption phase. As Trustee Di Salvo indicated the required SEQR process will cost \$ 3,500.00 of the \$ 5,000.00 requested. Mr. McCague said the ultimate goal following the comprehensive plan adoption, will be to do a complete re-write of the local zoning law. Costs to do a complete overhaul of the local zoning law & map will not likely be discussed until the preparation of the tentative budget for the fiscal year June 1, 2017 - May 31, 2018.

Mr. Richard Rose, 42 Gifford Ave. and Chairman of the Village of Lakewood Tree Committee, indicated for the past three or four years the Village of Lakewood has allocated \$ 3,000,00 in its annual budget for new trees. Last year the Tree Committee had \$ 5,000.00 to work with. Unfortunately in this year's tentative budget there is only \$ 2,000.00, which is a big cut. Mr. Rose said an important project that needs to be undertaken is the updating and digitizing of the current tree survey and Urban Management Plan which was done in 2000. Mr. Rose said this project is very important and is hopeful the funding cut from this year's budget can be restored.

Treasurer Windoft indicated to Mr. Rose there is \$ 4,000.00 in grant money deposited in the Trust & Agency Fund to be used for new trees, plus \$ 2,000.00 of unspent funds from the Sheldon Foundation.

Mr. Rose said the estimated cost to update the tree survey and put the information on a data base is \$ 7,000.00.

Mayor Birrittieri indicated Mr. Rose is doing a great job with the available funding and commended his passion for trees and his attention to detail. A community needs its trees.

Mr. McCague said the Comprehensive Plan Steering Committee has acknowledged the importance of trees as a community asset. He commended the Tree Committee's efforts over the past few years and hereby supports the need for additional funding.

Trustee Barnes proceeded in her introduction of a motion to adjust Mayor Birrittieri's tentative budget by suggesting additions to the following accounts. \$ 2,500.00 to A-1420.40, \$ 2,600.00 to A-1620.40, \$ 2,600.00 to A-3410.40, \$ 5,000.00 to A-1420.10 and \$ 8,000.00 to A-5142.40, totaling \$ 20,700.00.

Mayor Birrittieri said the \$ 2,600.00 additions to accounts A-1620.40 and A-3410.40 undo the reductions she proposed in the costs to clean the village hall and fire station by reducing the number of times each week they are cleaned from three to two. Given the tight fiscal restraints the Village of Lakewood is under it is necessary to make some cuts.

Trustee Barnes said because of the constant traffic in the Police Department she believes the number of times per week the offices are cleaned should remain at three.

APRIL 11, 2016 (CONTINUED)

Fire Chief Hallberg indicated to Mayor Birrittieri in their discussion regarding the fire department's estimated budget request for the fiscal year June 1, 2016 - May 31, 2017, it was his understanding that \$ 3,000.00 would be cut from his request for \$ 35,500.00 in the fire department's contractual account A-3410.40. His question to Mayor Birrittieri during the budget discussion was, did she care how the \$32,500.00 is spent as long I stay under budget and the response was no. Because at no time was it mentioned that the \$ 14,000.00 requested for building maintenance was going to be touched Chief Hallberg assumed it was staying the same. Chief Hallberg said it appears another \$ 2,600.00 has been cut reducing the LFD contractual account to \$ 29,900.00.

Mayor Birrittieri apologized to Chief Hallberg if there was a misunderstanding about the cleaning costs, but as she reviewed the tentative budget a second time that was one area where she believed some money could be saved.

Mr. John Jablonski, 213 Spruce St., said he supports Mayor Birrittieri's cuts in office cleaning costs and suggested the money saved be invested in the purchase of more trees for the community.

Trustee Barnes said the \$ 5,000.00 increase in A-1420.10, (Law, Salaries) would be on par with what other local municipalities are paying for legal counsel. Trustee Barnes indicated that Village Attorney Wright has been doing a lot of extra work and has always been there when legal questions surface. Competent legal advice benefits the entire community, including the appropriate handling of any law suits.

Mayor Birrittieri said many of the proposed deductions would impact the funding for the critically important planning process currently in motion. It

is always a difficult call to fund this or not fund that and said she had tried to keep funding at levels that benefit the Village of Lakewood as a whole versus benefitting a few people and feels strongly that certain areas were deserving of certain levels of funding.

Treasurer Windoft said because of lower than expected gasoline prices and lower vehicle maintenance costs for the police department it will be possible to encumber the cost of one of the L-BPD new police vehicles without increasing taxes. Money left in the adopted budget can then be moved to make up the \$ 8,000.00 short-fall in account A-5142.40, (Snow Removal, Contractual).

Trustee Di Salvo said the bottom line is the additions and reductions being proposed by Trustee Barnes results in no change in the total budget figures.

Trustee Holcomb asked Treasurer Windoft if indeed there is money left over as the new fiscal year unfolds would it be possible to transfer funds to some of the accounts where reductions are being considered.

Treasurer Windoft said absolutely.

Dr. Mueller indicated that some budget items are onetime expenses and some are continuous and with that believes there is room for compromise with many of the budget reductions and additions as noted by Trustee Barnes.

Trustee Di Salvo said he agrees with some of the budget adjustments however he disagrees with just as many. Trustee Di Salvo said wouldn't feel comfortable voting on the adjustments as a package, but wouldn't be opposed to discussing each of the line items individually.

Trustee Barnes said with the benefit of being able to move some funding from account to account, she would like to amend her initial resolution by leaving \$ 5,000.00 in A-8020.40, (Planning) and \$ 3,000.00 in A-7471.40, (Library) contractual accounts.

APRIL 11, 2016 (CONTINUED)

Trustee Di Salvo said he liked Mayor Birrittieri's tentative budget as presented and would be uncomfortable voting on the whole package of Trustee Barnes' budget adjustments. Trustee Di Salvo said he agrees with Mayor Birrittieri's budget line reducing the number of times per week office cleaning is done from three to two.

Mayor Birrittieri said with all due respect, the \$ 5,000.00 increase in the Village Attorney's annual salary is a significant jump. It represents funding desperately needed in other areas. Without the lifeguard salaries, we have an opportunity this season to make the park more accessible.

Trustee Drago said Mr. Rose made the point why not wait until the Comprehensive Plan is completed to learn what may or may not be proposed for Richard O. Harley Park before making changes. With money restored to the planning account, let that process play out before incurring the cost of a new decorative fence, which she believes is a luxury.

Mr. Louis S. Drago, Jr., 9 Brook St., said with the many legal issues that

face municipalities, as well as new ones such as cell towers, Mr. Wright is one of the few competent municipal attorneys in the area and the Village of Lakewood needs to do everything it can to keep him on board.

Mayor Birrittieri said although she believes the requested \$ 5,000.00 increase in A-1420.10, (Law, Salaries) is a significant hike, she did raise the annual stipend for the Fire Chief acting as a Safety Inspector, which had remained stagnant for years from \$ 2,000.00 to \$ 4,500.00. Mayor Birrittieri said she would be willing to negotiate on some of the line item reductions and additions being introduced but would like more time to review and discuss them.

Mr. Simmons wished to note that Mayor Birrittieri's recommendation to reduce the number of times per week offices are cleaned from three to two is a prudent one.

RESOLUTION #50-2016 - AUTHORIZE ADJUSTMENTS TO TENTATIVE BUDGET

Motion by Trustee Barnes, seconded by Trustee Drago, for the Board of Trustees to authorize the following line item account adjustments to Mayor Birrittieri's tentative budget as presented; Account A1210.40, less \$ 1,000.00, Account A7140.20, less \$ 10,000.00, Account A7270.40, less \$ 500.00, A8510.41, less \$ 1,000.00, Account A7140.42, less \$ 500.00, Account A1420.40, add \$ 2,500.00, Account A1620.40, add \$ 2,600.00, Account A3410.40, add \$ 2,600.00, and Account A1420.10, add \$ 5,000.00.

Adopted: 3 ayes, (Barnes, Drago, Holcomb), 1 nay, (Di Salvo)

RESOLUTION #51-2016 - AUTHORIZE ADDITIONAL FUNDING FOR THE CONTINGENT ACCOUNT

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Board of Trustees to authorize the increase of the appropriated surplus from \$ 120,000.00 to \$ 130,000.00 and transfer \$ 10,000.00 into Account A1990.40, (Contingent Account), amending Mayor Birrittieri's tentative budget as presented.

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

DISCUSSION: RECENT NYS COMPTROLLER'S AUDIT OF THE TOWN OF BUSTI

Mayor Birrittieri said according to the NYS Comptroller's Office recent audit of the Town of Busti it was reported there were misallocated funds via an "all town" tax that was used to purchase a piece of highway equipment. Plus there were some inconsistent statements made by Town officials regarding that purchase. Mayor Birrittieri wanted to discuss the matter with the Board of Trustees as well as hear from Village of Lakewood taxpayers on just how to respond to the audit's findings.

APRIL 11, 2016 (CONTINUED)

Mayor Birrittieri said in taking the oath of office for Mayor, it is her duty to represent the residents and taxpayers of the Village of Lakewood and to protect their best interests.

Dr. Mueller, a Town of Busti Councilman, indicated the piece of equipment

purchased (dump truck) cost \$135,000.00 with Village of Lakewood taxpayers incurring approximately 47% of the total cost or \$63,450.00.

Mr. David G. Bargar, 11 Sunset Ave. asked what are our options, in that we have a similar issue with village money tied-up in the Town of Busti's Recreation Fund. At this point the Village of Lakewood must be feeling as if it is being bullied by the Town of Busti.

Mayor Birrittieri said the two financial issues should be tackled separately and believes a response to the audit findings should come from the Board of Trustees. A recommendation made by the NYS Comptroller's Office to the Town of Busti is for them to review their statutory requirements related to the allocation of the highway expenditures and adopt budgets that include revenues and expenditures allocated to the proper fund in accordance with these requirements. The recommendations to Town Supervisor Robbins include correct prior year accounting errors and improper reporting of financial activity between the "town wide" and "town - outside village" highway funds to correct the taxpayer inequity. With those recommendations Mayor Birrittieri believes Village of Lakewood taxpayers are due a tax rebate in some form from the Town of Busti. At the very least, a well constructed letter should be sent to Supervisor Robbins and the Town of Busti Board requesting that the recommendations noted in the recent audit be met and for the Township to keep the Village Board of Trustees apprised of their corrective action plan.

Trustee Di Salvo indicated he doesn't care how much money was involved, but rather it is the principal. He finds the Town Supervisor's actions reprehensible and as a member of the Board of Trustees he was elected to protect the interests of citizens of the Village of Lakewood. That is our job. Trustee Di Salvo said the Board of Trustees absolutely has to respond and supports Mayor Birrittieri's desire to send a letter to the Town of Busti.

Department of Public Works Supervisor Thomas R. Pilling indicated of the nine excuses Town of Busti Supervisor Robbins gave in trying to explain the misallocated funds, only one of them was true. Mr. Pilling said he is hopeful the actions of Supervisor Robbins and the Town of Busti don't jeopardize the county-wide shared services agreement currently in place.

Mrs. Gesing said she agrees with Trustee Di Salvo's comments saying the Town of Busti needs to be put on notice.

Chautauqua County Legislator P.J. Wendel, asked, with all due respect, has anyone called the NYS Comptroller's Office to get a clarification on the audit's findings. He said the violations noted in the audit are not considered severe.

Mayor Birrittieri said the audit's findings made it clear to her that Village of Lakewood taxpayers shared in the purchase of a dump truck that should have been paid for in total by "town - outside village" taxpayers. The truck purchase should have been approved via a Town Board resolution to be completely transparent.

Trustee Barnes indicated having read the audit and finding nothing illegal transpired, asked Village Attorney Wright what might a remedy be to what occurred.

Village Attorney said some sort of credit to Village of Lakewood taxpayers on

a future town tax bill could be a possible remedy.

Mr. Joseph Troche, 19 Winchester Road, said in his eyes there is only one option, and that is to ask for a credit.

APRIL 11, 2016 (CONTINUED)

Trustee Holcomb said he is not in favor of sending a letter to Supervisor Robbins and the Town of Busti, suggesting instead that members of the Board of Trustees and Village of Lakewood taxpayers attend a Town Board meeting to express their thoughts and concerns on this issue.

Village Attorney Wright asked if there has been any attempt to sit down and talk with Supervisor Robbins.

Mayor Birrittieri said she'll speak with the Town Supervisor, but would rather have this concern expressed to Mr. Robbins and the Town on a united front that comes from the entire Village Board.

Trustee Di Salvo asked Trustee Holcomb what is his objection to sending a letter to the Town of Busti.

Trustee Holcomb said he doesn't think it is the Board of Trustees' business to tell the Town of Busti how to conduct their business. They made a decision at the time the Town Board thought was a correct one. Trustee Holcomb added the NYS Comptroller's Office issued them a recommendation not a sanction.

Mr. Edward J. McCague, 12 Park Lane, said it would be dangerous for the Board of Trustees just to roll over on this issue, rather it is the duty of the Board of Trustees to address and respond to this finding.

Legislator Wendel indicated the issues between the Village and the Town have made it as far as Congressman Reed's office, State Senator Young's office, State Assemblyman Goodell's office and County Executive Horrigan's office. The elected officials from both the Town and Village need to sit down and work out any differences, sooner rather than later.

Mayor Birrittieri said she has reached out to Town Supervisor Robbins via a letter suggesting that the two boards meet on the 5th Mondays during the course of the year. That was unacceptable to Supervisor Robbins and the Town Board, however they were agreeable to meet to discuss problems that arise which impact both the Town and Village.

Legislator Wendel said there are challenges facing the Village and Town that need to be worked on together.

RESOLUTION #52-2016 - AUTHORIZE LETTER TO THE TOWN OF BUSTI

Motion by Trustee Di Salvo, seconded by Trustee Drago, authorizing Mayor Birrittieri to draft and send a letter to Town of Busti Supervisor Jesse Robbins, as the Village of Lakewood's response to findings of a recent NYS Comptroller's Office audit of the Town of Busti which noted there were some misallocated funds in the purchase of a new piece of equipment for the Town of Busti Highway Department at the expense of Village of Lakewood taxpayers. The letter should request a response from the Town of Busti stating what corrective actions they are taking to prevent this from happening again and how might they expect to reimburse the Village of Lakewood taxpayers.

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

RESOLUTION #53-2016 - AUTHORIZE BID REQUEST

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing the Village Clerk to request sealed bids for replacing two separate sections of flat roofs on the Anthony C. Caprino Municipal Building. Bids are to be received at or before 3:00 PM, Friday, April 22, 2016.

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

APRIL 11, 2016 (CONTINUED)

RESOLUTION #54-2016 - AUTHORIZE TRANSFER & SALE OF THE 1999 DODGE PICK-UP TRUCK

Motion by Trustee Holcomb, seconded by Trustee Barnes, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize the transfer of the LFD 1999 Dodge pick-up truck to the Lakewood Volunteer Fire Company, Inc. to sell or use as a trade-in on the purchase of a new LFD Fire Chief's vehicle and to utilize the current Fire Chief's vehicle, a 2011 Chevrolet Silverado, as a Medic-371 station truck.

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

RESOLUTION #55-2016 - AUTHORIZE HAZARDOUS MATERIALS CONFERENCE ATTENDANCE

Motion by Trustee Di Salvo, seconded by Trustee Barnes, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize LFD member Danial Imfeld to attend a Hazardous Materials Conference in Baltimore, Maryland, June 15th - June 19th. Mr. Imfeld will be reimbursed for any and all legal expenses incurred.

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

RESOLUTION #56 - APPROVE 2016 DOCK PERMIT APPLICATION

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the 2016 dock permit application as submitted by Mr. Mark Ramsey, 8 Oakland Ave. for the Oakland Ave. right-of-way.

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

RESOLUTION #57-2016 - SET DATE AND TIMES FOR THE FOLLOWING PUBLIC HEARINGS

Motion by Trustee Di Salvo, seconded by Trustee Drago, to set the date and times for the following public hearings: Monday, April 25, 2016, 6:40 PM - Special Use Permit Application, RE: Luxury Dog Kennel & Dog Day Care, 333 East Fairmount Ave. (Lodestro); 6:50 PM - Special Use Permit Application, RE: 6 ft.

Fence, 142 East Terrace Ave., (Sagurney); 6:55 PM - Special Use Permit Application, RE: 6 ft. Fence,

161 Lakeview Ave., (Guichard); 7:00 PM - Special Use Permit Application, RE:

6 ft. Fence, 285 Shadyside Ave., (Ingersoll).

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

RESOLUTION #58-2016 - AUTHORIZE NYS FIRE CHIEF'S CONVENTION ATENDANCE

Motion by Trustee Drago, seconded by Trustee Barnes, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize Fire Chief Kurt W. Hallberg, First Assistant Chief Steve Smouse, Second Assistant Chief Todd Gilbert and former Fire Chief and current Fire Company President Jackson Knowlton, to attend the NYS Association of Fire Chief's Convention & Trade Show, June 15th - June 19th

at the Turning Stone Resort, Verona, New York.

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

RESOLUTION #59-2016 - AUTHORIZE USE OF RICHARD O. HARTLEY PARK

Motion by Trustee Barnes, seconded by Trustee Drago, authorizing the Jamestown YMCA to make use of Richard O. Hartley Park as a stage for this summer's "Fitness in the Park" program, with the condition that the fitness program schedule does not interfere with any Village of Lakewood sponsored events in the park.

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

APRIL 11, 2016 (CONTINUED)

RESOLUTION #60-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Holcomb, to set 6:15 PM, Monday, April 25, 2016 as the time and date to conduct a public hearing on the proposed Local Law #4 - 2016, regulating the siting of wireless telecommunications facilities within the Village of Lakewood.

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

RESOLUTION #61-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Holcomb, seconded by Trustee Barnes, to set 6:30 PM, Monday, April 25, 2016 as the time and date to conduct a public hearing to consider increasing the fine schedule for parking violations.

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

PLANNING BOARD APPOINTMENT

Mayor Birrittieri reported that she has appointed former Village Trustee John Jablonski, III, 213 Spruce Street, to the Village of Lakewood Planning Board, filling the unexpired term of Mrs. Marion Gibbon, which runs until January 1, 2018. Mayor Birrittieri said Mr. Jablonski is highly qualified and brings a lot of planning experience to the table.

Motion by Trustee Barnes, seconded by Trustee Drago, and unanimously carried, the Board adjourned at

8:31 PM.

Joseph M. Johnson
Village Clerk