

APRIL 24, 2017

The eighth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, April 24, 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, Police Chief John R. Bentley, Village Attorney John I. LaMancuso and Building Inspector Jeffrey A. Swanson. Absent were Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg.

#### 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 April 10, 2017.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

#### AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee McCague, that the claims as audited by the Auditing Committee of the abstract dated April 24, 2017, be approved and that the Clerk shall execute said abstracts (#47 & #48) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,445.69, (Checks #4072 thru #4081), General Fund: \$ 59,158.88, (Checks #13661 thru #13703)  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

#### REPORTS

Mayor Birrittieri said she would like to provide a brief update for everyone regarding the creation of a new Lakewood Community Chamber of Commerce, which will be under the umbrella of the Chautauqua County Chamber of Commerce. She noted the Chautauqua Chamber of Commerce will be launching a new event called "Mornings on the Main" right here in Lakewood next Tuesday hosted by the Lakewood Diner, 48 Chautauqua Ave. The event will coincide with an official ribbon cutting at 9:00 AM at the Lakewood Diner. Following the ribbon cutting officials from the Chautauqua County Chamber of Commerce will visit and talk to local merchants along Chautauqua Ave. about some of the benefits of having and belonging to a local Community Chamber of Commerce.

Mayor Birrittieri indicated that she recently spoke to a local restaurant owner asking for better signage at the public dock at Richard O. Harley Park that could draw additional foot traffic along Chautauqua Ave. during the summer months, which has been a common concern voiced by the local merchants. Mayor Birrittieri said we will continue to develop new ideas to revitalize Chautauqua Ave. so as to attract more people to explore the commercial corridor and our waterfront.

Changing subjects Mayor Birrittieri indicated that the Events & Marketing Committee is moving forward on an event she proposed last year, which is a merchant driven Wellness Day, entitled Live, Laugh, Love Lakewood, scheduled for Sunday, June 4<sup>th</sup>. This event will be held in conjunction with a 5-K and 10-K team run fund raiser for a United Nations sponsored project called "Nothing but Net", organized locally by the Rotary Club of Jamestown and the Southwestern Interact Club. The events scheduled during Live, Laugh, Love

Lakewood will allow local wellness related merchants to shine a spotlight on health. The hard working Events & Marketing Committee is producing another winning event for the Village of Lakewood. Mayor Birrittieri credits Ms. Laurie Shults of the Fitness Bunker and Brick Elephant Design for bringing area businesses and non-profits together to provide health related information to all in attendance.

Mayor Birrittieri then spoke briefly about the budget which is the main topic on this evening's meeting agenda.

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Needless to say it will be a very tight budget year, due to factors such as not adequately planning for the financial future of the Village of Lakewood, taking on huge debt and of course the increasing costs of doing business. Mayor Birrittieri then explained that residents haven't seen much change over the past couple of decades due in part to the fact that we have level funded or cut any and all expenditures that would help improve the Village of Lakewood. Now that a Comprehensive Plan is in place, the Village of Lakewood is struggling to find the necessary funding to bring in outside funding through private, state and/or federal grant opportunities. An example of not planning for the future, was the annual \$ 15,000.00 contribution the Village of Lakewood used to allocate for the Town of Busti to fund the Busti-Lakewood Recreation Commission. There was no attempt by the Town of Busti to utilize those monies over the years towards a future recreation program and unfortunately those funds have since "dried-up".

Mayor Birrittieri said while it is important to try to keep taxes in check, unfortunately significant improvements can not take place maintaining a flat tax rate. What is needed, is a structural change in how things are done here in the Village of Lakewood, which will require some courage. In closing, Mayor Birrittieri reminded everyone that their Village of Lakewood tax dollars are spent directly for various services such as police protection, fire & EMS (Emergence Medical Service), the street and parks departments, code enforcement, the clerk's & treasurer's offices, plus your elected and appointed officials. She then challenged residents to find out where their other tax dollars, namely town/county and school, are spent.

Although Department of Public Works Supervisor Thomas R. Pilling was not in attendance he submitted a DPW report noting that the annual brush pick-up will begin Monday, May 1st and that the used 1998 and 1991 International dump trucks showcased on the Auctions International, Inc. web-site, sold for a total of \$13,500.00. This money will be put towards the purchase of a used 10-wheeler dump truck from the Town of Busti. Mr. Pilling's report also included a request asking permission from the Board of Trustees authorizing Village Treasurer Andrea J. Windoft to make some minor budget transfers.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has handled three thousand sixty-eight reportable incidents year-to-date, three hundred ten of which occurred within the past two weeks. Chief Bentley then distributed to members of the Board of Trustees a break down and analysis of duties and activities carried out by the L-BPD over a particular period of time.

Trustee McCague asked Chief Bentley if he could report on the delivery status of the two new police patrol cars that have been ordered.

Chief Bentley indicated to Trustee McCague that the new patrol cars could be delivered anytime soon.

Trustee McCague said in speaking with Chief Bentley and Village Treasurer Windoft, if the two new police patrol cars are received by the end of May, it is conceivable to pay for one of the new cars with monies from the current budget. The two individual cars cost \$ 19,796.00 and \$ 20,501.00 respectively. Trustee McCague then asked Village Treasurer Windoft to briefly explain the term encumbrance as it relates to village finances.

Trustee Windoft explained to encumber the cost of a particular service or material good, would be to pay for that particular item with monies from the current budget rather than from monies appropriated in the tentative budget. To do so the Office of the State Comptroller requires that a purchase order for the item be prepared which would note the exact amount of the funding to be encumbered from the current budget. This money would then be moved forward into the tentative budget to pay for that particular service or item.

Trustee McCague said in short, in doing so, the cost of one of the cars could be taken out or removed from the tentative budget, if it was indeed paid for from monies from the current budget.

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Treasurer Windoft indicated the encumbered funds could be taken out, thereby reducing the budget or they could be re-appropriated via a Board of Trustees resolution.

Trustee McCague said he has no intention of short changing the police department's current budget, however if the funds are available, it might be a way to "free-up" some funding for areas of the budget being considered for reductions.

Chief Bentley said he would have no problem with encumbering the necessary funds to pay for a police patrol car if the money is there, adding we've done this before.

Trustee Holcomb asked if a timetable for negotiating the police union labor contract has been set yet.

Mayor Birrittieri said the first two negotiating sessions have been scheduled for May 11<sup>th</sup> and May 17<sup>th</sup>. Mayor Birrittieri said it is her understanding that she, Village Attorney LaMancuso, a CSEA representative and L-BPD Investigator and Union President Jarrett Reed will be participating in the contract negotiations.

Chief Bentley indicated that L-BPD Sgt. Jeffrey G. Spencer will also likely be part of the negotiating team.

Trustee Holcomb asked Mayor Birrittieri if he also could be present at the labor negotiations.

Mayor Birrittieri told Trustee Holcomb we can talk about that.

RECESS

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

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

PUBLIC HEARING - 6:40 PM  
SPECIAL USE PERMIT APPLICATION - 6 FT. FENCE  
111 LAUREL STREET

Mr. Hugh LeBlanc, 111 Laurel Street, has submitted an application for a special use permit regarding a proposal to erect sixty-four (64) lineal feet of 6 ft. high privacy fence along a portion of his easterly boundary line. In accordance with Section #25-51, (A-2), [Fences, Walls], of the Village of Lakewood Zoning Law, any fence above four (4) feet high shall require a special use permit.

Mayor Birrittieri opened the public hearing at 6:46 PM and with no one to be heard, promptly closed the public hearing at 6:47 PM.

RESOLUTION #59-2017 - APPROVE SPECIAL USE PERMIT APPLICATION - 6 FT. FENCE

Motion by Trustee Holcomb, seconded by Trustee Drago, to approve/grant an application for a Special Use Permit as submitted by Mr. Hugh LeBlanc, 111 Laurel Street, whereby he will be allowed to erect sixty-four (64) lineal feet of 6 ft. high vinyl fence along a portion of his easterly boundary line in accordance with Section #25-5, [Fences, Walls], of the Village of Lakewood Zoning Law.

Adopted: 3 ayes, (Drago, Holcomb, McCague), 1 Nay (Barnes)

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REPORTS (CONTINUED)

Building Inspector Jeff Swanson reported that New York State has instituted numerous changes in its Building Code, in particular, areas of the code dealing with energy. He said code enforcement officers as well as design professionals and contractors are having to deal with these changes. Mr. Swanson said with help from New York State he has scheduled a mini seminar on the subject for this Wednesday at the Lakewood Rod & Gun Club. The seminar will bring everyone up to speed on the code changes and allow enforcement of them to be consistent throughout Chautauqua County. Mr. Swanson said as of this afternoon close to sixty people have registered for the seminar.

Mr. Swanson asked the Board of Trustees for permission to attend a six hour training session to become qualified in the Code Enforcement Disaster Assistance Response (CEDAR) program. If a disaster were to strike a WNY community a CEDAR qualified official could be called upon to assist the local code enforcement officer to assess and document the damage and coordinate a proper response.

RESOLUTION #60-2017 - APPROVE CEDAR TRAINING

Motion by Trustee Holcomb, seconded by Trustee McCague, per the recommendation of Mayor Birrittieri, to authorize Building Inspector/Code Enforcement Officer Jeffrey A. Swanson to attend a six hour training session to become qualified as a Code Enforcement Disaster Assistance Response (CEDAR) team member and to authorize the Village of Lakewood to participate in the CEDAR program.

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

Mr. Swanson continued his report by stating a lot of property maintenance related issues have surfaced and urged residents to keep on top of things when it comes property maintenance.

Mayor Birrittieri said she has received more than one complaint about the rental property at 22 East Summit Street.

Mr. Swanson said he has sent an "Order to Remedy" to the property owner and has attempted to contact the property owner who resides downstate. He said although there are numerous property maintenance concerns that need attention, life safety issues must be addressed first.

Mayor Birrittieri indicated to Mr. Swanson that to her, the building and property at 22 East Summit Street looks to be a dangerous hazard.

Mr. Swanson said he has taken a look at the property in question and at this time he has no legal right to condemn the building. He said the Chautauqua County Health Department has been called in to assess and inspect the property.

Ms. Hannah Alexander, 18 East Summit St., asked why isn't it illegal for past and current tenants of 22 East Summit Street to create a dump in the middle of a residential neighborhood. She noted, because children are living there, she took the liberty and contacted the local Child Protection Services (CPS) office. Ms. Alexander said the structure itself is substandard and would be surprised if there weren't some building code violations. With the number of mattresses discarded out back of the residence, one can only think there is a bed bug issue at the residence.

Village Attorney LaMancuso suggested that the property owner be served in person by local law enforcement, assuming there is a valid address on file.

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Mayor Birrittieri said that sounds like a good next step in dealing with this issue and then thanked Ms. Alexander and Ms. Patricia Wong, 15 East Third Street for attending this evening's meeting and for being the eyes and ears of the neighborhood. Mayor Birrittieri reminded residents complaint forms are available at the Clerk's office by which any suspected building or property violations may be reported.

Trustee McCague noted the revised tentative budget includes addition funding for Code Enforcement and asked Building Inspector Swanson to briefly explain the increase.

Mr. Swanson said in accordance with Section 1203 of the NYS Building Code, he would like the Board of Trustees to approve a part-time code enforcement officer position that would assist the Building Inspector, with a concentration on fire inspections. He believes this position will pay for itself by generating revenue via fire inspections.

Trustee McCague asked Mr. Swanson, approximately how many businesses or buildings would require fire inspections and approximately how much revenue would they generate.

Mr. Swanson said, including structures within the Village of Lakewood and those outside the village in the Town of Busti, he estimates there are four to five hundred that would require fire inspections. Some on an annual basis some every three years. He said there is a fire inspection fee schedule in place, however the Board of Trustees may wish to modify it as we move forward.

Ms. Myra V. Blasius, 19 Owana Way, asked who is doing the fire inspections currently and said she suspects a lot of them are not getting done.

Mr. Swanson said he is the lone inspector and tries to do them when time permits. Unfortunately, most municipalities across NYS are woefully behind in conducting required fire inspections. It boils down to a lack of staffing and funding.

Ms. Blasius asked how long has this practice been going on without NYS forcing local municipalities to perform the required fire inspections. She wondered, in that it is a very tight budget year, if some of the funding earmarked for code enforcement could be re-appropriated to other areas of the revised tentative budget.

Mayor Birrittieri asked Mr. Swanson if he believes the cost of this part-time position could be paid for in full by monies generated through fire inspection fees.

Mr. Swanson said he expects the fees generated to be in excess of the cost of new code enforcement officer position, however it is impossible to estimate the annual revenue to be received by each municipality.

Trustee McCague said because he first posed the question, he is interested in knowing approximately how much revenue could be generated in a given year. Right now, listed in the revised tentative budget it is a wash, \$ 10,000.00 to create the position, \$ 10,000.00 in fees generated.

Mr. Tom Hampton, address unknown, said the number of fire inspections and the amount money generated seem to be hypothetical numbers, however the process could become an exact science, if someone were to take the time to develop a business plan for this position.

Mr. David G. Bargar, 11 Sunset Ave., indicated that Building Inspector Swanson is offering the Village of Lakewood revenue it currently doesn't receive and therefore encourages the Board of Trustees to accept this proposal. This is the kind of thinking we need at this time. If for some reason or another this proposal begins losing money it can always be discontinued. Mr. Bargar said here is an individual that wishes to operate his department on a profit/loss basis, offset his expenses and drive revenue. He then suggested that a spread sheet be worked out and evaluate this proposal in detail.

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Mr. Bargar said he can't see any reason why this proposal should meet any opposition and again encouraged the Board of Trustees to move forward with it. Everyone realizes that not conducting the required fire inspections is a definite safety issue which could become a major liability for the Village of Lakewood. Again, this is the kind of thinking every department head should be bringing to the Board of Trustees for action.

Mr. A. Jackson Smith, 15 Sunset Ave., said he totally agrees with Mr. Bargar's comments and asked if the local businesses could be spared any additional inspections and costs by consolidating some of the building, health and fire inspection efforts.

Mr. Swanson indicated that in accordance with Section 1203 of the NYS Building Code, municipalities are empowered to charge for fire inspections.

Mr. Smith then questioned why a business should be charged for multiple inspections when one inspection might suffice.

Mr. Swanson said private contractors do not conduct complete fire inspections.

Mr. Richard Rose, 42 Gifford Ave., indicated from his experience, a fire inspection is much more detailed than just inspecting a few fire extinguishers or sprinkler system.

Mr. Michael Looker, 15 Owana Way, said per the revised tentative budget it appears the creation of the new position and revenue it might generate is a wash. The estimated revenue to be generated could easily be increased and those monies could be appropriated into the budget where needed.

Trustee Barnes indicated the program hasn't started yet, so it is very difficult to estimate the amount of revenue fire and other inspections will generate.

Mayor Birrittieri asked if there is going to be any initial expenses in creating the part-time Code Enforcement Officer position.

Building Inspector Swanson said an exact initial cost is unknown and will depend if an applicant has already received the appropriate training. There are still a lot of details that need to be worked out.

Trustee McCague said all he is asking for is a projected revenue figure.

Mr. Jesse Robins, Town of Busti Supervisor indicated that because there is a big difference in the number of businesses located within the Village of Lakewood versus those located outside the village, there needs to be discussions between the two entities on how to equitably split the costs and revenue created by this part-time position.

Dr. Rudolph J. Mueller, 7 Sunset Ave., wanted to make it clear that an additional \$ 2,500.00 has been appropriated toward the annual stipend the Fire Chief receives, without generating any additional revenue, whereas \$ 10,000.00 is being appropriated for the part-time Code Enforcement Officer position, while generating an estimated \$ 10,000.00 in revenue.

## COMMITTEE REPORTS

Trustee Holcomb reported that he has completed the New York State Energy Research & Development Authority (NYSERDA) grant application and submitted it to Mr. Jonathan Mayr, Clean Energy Communities Coordinator. The application included new fixtures throughout the street lighting district and new replacement windows in the Anthony C. Caprino Municipal Building.

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Trustee Holcomb said since the application was submitted Trustee McCague has suggested that the application also include an energy audit of the municipal building and possibly a zoning re-write application. Trustee Holcomb indicated that he and Trustee McCague will be meeting with Mr. Mayr tomorrow morning to review the application.

Building Inspector Swanson indicated an energy audit of the municipal building would be a good idea and that replacement windows are a good place to start. The savings associated with these improvements will continue year after year.

Trustee McCague said the overall goal with the NYSERDA grant application is that it be successful. We don't want to include something in the grant application that could disqualify it.

### RESOLUTION #61-2017 - ADOPT LOCAL LAW #1-2017 RE: PROPERTY TAX OVERRIDE

Motion by Trustee McCague, seconded by Trustee Barnes, per the recommendation of Mayor Birrittieri, for the Board of Trustees to adopt Local Law #1-2017, RE: Property Tax Override for the fiscal year of 06/01/2017 - 05/31/2018. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

## BUDGET DISCUSSION

Mayor Birrittieri wished to note that members of the Board of Trustees have worked very diligently on their revised tentative budget.

Trustee Drago indicated that she would like to introduce three additional revisions to the revised tentative budget that were part of the record of the Board of Trustees meeting held April 10, 2017 as follows: - decrease Account A3120.12, [Police Salaries - Part-Time] by \$ 10,000.00, - decrease Account A3120.20, [Police Equipment], by \$ 20,501.00 to \$ 36,596.00 and lastly, although it was a very difficult decision to do so, - establish a 1% annual salary increase across the board for all employees. Trustee Drago indicated that the latest revision brings this budget's tax rate to \$ .04/1,000 assessed value over the tax cap. The last budget adjustment necessary to bring the tax rate under the tax cap will be to reduce the fund balance by \$ 9,000.00 and taking those monies and adding them to the Appropriated Surplus account.

Village Treasurer Windoft indicated that she has some reservations about the final budget adjustment as presented by Trustee Drago and it has been discussed with everyone, but it can be done. Mrs. Windoft said there are always questions that can't be answered until the current fiscal year is closed-out and learning what is left in the fund balance. The appropriated

fund balance would be increased by \$9,000.00, while decreasing the unappropriated fund balance by \$ 9,000.00. The current fund balance is at a healthy level per the State Comptroller's Office guidelines and their fiscal stress monitor.

Mayor Birrittieri said the budget as revised is based on a lot of projections and it is going to be challenging to enter the police labor contract negotiations starting with the proposed 1% salary increase across the board for all employees. Mayor Birrittieri said although she appreciates the amount of time that has been spent on this budget, the Village of Lakewood can not continue to maintain a flat budget and expect growth.

Trustee Holcomb agreed with Trustee Drago saying it was difficult decision, however it was something we needed to do, adding he is hopeful by next year the Village of Lakewood can get out from under the lawsuits we are currently paying legal counsel to defend.

Mayor Birrittieri said please don't pin our budget woes on a single lawsuit.

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Trustee Barnes indicated that some new businesses are beginning to take off, however it takes time for the Village of Lakewood to realize an increase in revenues in connection with increases in assessments.

Trustee McCague said it is his opinion the latest revised figures represent a "band-aid" budget. Mr. McCague said in his discussions with Treasurer Windoft the Village of Lakewood was \$ 8,200.00 away from the tax cap. He wondered if rather than making the \$ 9,000.00 fund transfer, would encumbering the cost of a police patrol car, approximately \$ 20,000.00, cover the \$ 9,000.00 to be transferred and then leave a balance, which could be appropriated elsewhere. He then asked Treasurer Windoft if it could be done? If in encumbering the cost of the police patrol car would it not be a smoother and "cleaner" fund transfer? Finally, by doing so would it not achieve the same goal?

Treasurer Windoft said it could be done and yes, doing so would be smoother and easier while achieving the same goal.

Some discussion ensued regarding funding in the Mayor's original Tentative Budget versus funding available in the Revised Tentative Budget relating to Account A-3120.20 [Police Equipment], taking into account plans to encumber the cost of one of the two new police patrol cars and pay for it from monies from the current budget.

Mayor Birrittieri asked Treasurer Windoft what she would recommend.

Treasurer Windoft said she would recommend encumbering the cost of one of the police patrol cars if the money is available at the end of the fiscal year.

Mayor Birrittieri said although the tax rate will remain close to what it was last year, cuts have been made in the budget that will impact the quality of life for village residents. She then recapped the proposed budget adjustments introduced by certain members of the Board of Trustees versus what was reflected in her original Tentative Budget.

Trustee McCague indicated some of the funding being cut from the budget are from line items that benefit the entire community. He then asked Trustee

Drago, as Mayor Birrittieri's liaison to the Lakewood Memorial Library, the reasoning behind reducing their estimated budget request by \$ 3,000.00.

Trustee Drago indicated last year the Lakewood Memorial Library received \$ 4,000.00 more than the previous year, and they have a huge endowment and other funding that could be utilized.

Trustee McCague said the endowment can not be utilized as part of its operating budget.

Mr. Looker, 15 Owana Way, indicated all the Lakewood Memorial Library is asking for is \$ 550.00 more than it received last year, a mere .8%. For the past seven years the Lakewood Memorial Library's annual budget requests have ranged between \$ 60,000.00 and \$ 69,000.00, in spite of increasing costs to do business. Mr. Looker said he was surprised that in the past two weeks no extra money could be found to fully fund the library, despite reducing salary increases from 2% to 1%.

Trustee McCague said if the cost of one of the police patrol cars were to be encumbered, there would be some money available.

Chief Bentley interjected, saying he would like the money in his police equipment account restored.

Mayor Birrittieri said if it is the will of this Board to introduce a revised tentative budget that is under the tax cap these are the fiscal realities, like it or not, that we as a community are facing. Mayor Birrittieri then took a moment to praise the police, fire and street departments, however it takes a lot of money to properly equip them. She then reminded those in attendance of a joint work session between the elected officials from the Town of Busti and the Village of Lakewood to be held this Wednesday at 6:30 PM.

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One of the topics that will likely be discussed are the fiscal problems that currently face local municipalities.

Trustee McCague said there have been budget cuts made across the board in order to stay under the tax cap. Because leadership begins at the top, some of the pain must be shared by those at the top. One place the budget hasn't been cut is Trustee salaries and therefore he is proposing that each of the four Trustees agree to an annual salary cut of \$ 500.00. The \$ 2,000.00 would then be sent to the Lakewood Memorial Library to make-up a portion of the gap between what was requested and what is budgeted.

Mr. Douglas Shutte, 104 Winchester Road, asked does the tax cap imposed by New York State allow for a tax increase. In the scheme of things the Village of Lakewood is beholden to the tax cap. In doing so, how is the Village of Lakewood expected to fund any improvements. Mr. Shutte asked if there is a process to petition New York State for an exemption regarding the tax cap. Mr. Shutte indicated taxes haven't tracked inflation and people are willing to pay for value. He said it takes money to make money however the Village of Lakewood can not cut its way to prosperity. It can only get worse. If we want people to move to this area, stay in this area and retire in this area, these things need to be fixed.

Village Attorney LaMancuso indicated because the tax cap is statutory, it would require action by the New York State legislature to overturn it and

that could take a while. Mr. LaMancuso said there is no prohibition on passing a budget over the tax cap, although it is unpopular to some extent. Also there is no prohibition for municipalities or organizations such as the New York State Conference of Mayors to lobby the NYS Legislature to change the current tax cap requirement.

Trustee Drago said she would like to proceed and introduce a motion to approve the Revised Tentative Budget as presented on April 10, 2017, including the three (3) additional revisions mentioned previously this evening plus adding \$ 9,000.00 to the Appropriated Surplus to arrive at a tax rate of \$ 7.34/1,000 assessed value and stay under the tax cap. Trustee Barnes indicated she would like to second Trustee Drago's motion.

Dr. Mueller asked members of the Board of Trustees, what did they appropriate for street lighting. If that figure was left unchanged, wouldn't there be considerable savings when the existing lighting fixtures are changed-out to LED fixtures, which could be re-appropriated to the Lakewood Memorial Library. Dr. Mueller said the potential savings could reach four to six thousand dollars annually.

Trustee Holcomb indicated it is going to take time to change-out all the street lighting fixtures so it is impossible at this time to estimate the savings that will be generated

RESOLUTION #62-2017 - APPROVE PROPOSED SALARY DECREASE FOR THE TRUSTEES

Motion by Trustee McCague, seconded by Mayor Birrittieri, to approve a \$ 500.00 decrease in the annual salary for the four Trustees and to agree to re-appropriate those funds, totaling \$ 2,000.00, to the Lakewood Memorial Library, Account #A-7410.40.

Denied: 2 ayes, (Birrittieri, McCague), 3 nays, (Barnes, Drago, Holcomb)

RESOLUTION #63-2017 - APPROVE/ADOPT 2017-2018 REVISED TENTATIVE BUDGET

Motion by Trustee Drago, seconded by Trustee Barnes, to approve/adopt the Revised Tentative Budget as presented April 10, 2017, including the additional revisions introduced this evening as follows; - decrease Account A3120.12, [Police Salaries - Part Time] by \$ 10,000.00, - decrease Account A3120.20, [Police Equipment], by \$ 20,051.00 and - decrease the previously proposed salary increase of 2% across the board for all employees, to 1%, plus adding \$ 9,000.00 to the Appropriated Surplus, while decreasing the Unappropriated Fund Balance by the like amount.

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In doing so the Village of Lakewood Board of Trustees hereby adopts a budget in the amount of \$4,329,352.00 for the fiscal year of June 1, 2017 - May 31, 2018, making appropriations for the conduct of Village government and establishing the rate of compensation for its elected officials which will remain at the previous year's levels. Mayor: \$ 7,500.00, Trustees: \$ 3,500.00 each;

WHEREAS the Board of Trustees conducted a public hearing on the tentative budget at the time and place specified in the notice of public hearing and heard all persons desiring to be heard;

THEREFORE BE IT RESOLVED that the revised tentative budget as presented

hereby be adopted.

NOTE: The newly adopted budget reflects a tax rate of \$ 7.34604/1,000 assessed valuation, which is an increase of \$ .19/1,000 assessed value when compared with last year's tax rate.

Adopted: 3 Ayes, (Barnes, Drago, Holcomb), 2 nays, (Birrittieri, McCague)

#### BUDGET ADOPTION DISCUSSION

Town of Busti Supervisor Jesse Robbins indicated the Board of Trustees did a great job in revising a workable budget and taking care of the essential services, such as police, fire and street department while still providing funding for some of the non-essential services. He said it is a difficult task to reduce funding for some non-essential line services however it is his opinion that the essential services that the majority of the taxpayers receive must take priority.

Trustee McCague said he and the rest of the Board did properly fund the essential services.

Ms. Greta Smith, 227 West Summit Street, indicated that the libraries in Ashville and Bemus Point receive \$ 20,000.00 annually from the local municipality. Why can't the Lakewood Memorial Library make it on \$ 120,000.00. She also said the size of the library staff is excessive. It doesn't make sense.

Trustee Barnes indicated that the City of Jamestown appropriates \$ 100,000.00 annually for the James Prendergast Library.

Ms. Myra V. Blasius, President of the Lakewood Memorial Library, wished to respond to Trustee Drago's comment regarding the library's endowment fund. It is true the library did receive a very generous endowment however like many organizations, the library has an investment fund. There are issues with the building itself that require attention. To toss out a comment about the endowment fund is incorrect and inappropriate. Organizations such as the library or the fire company should have "rainy day funds". Ms. Blasius said the library has trimmed its budget where it could and has done more fund raising. Ms. Blasius said the other side of the coin is the value of the services the library provides to the community.

Trustee Holcomb asked Ms. Blasius if the library has a savings account it could access for some operating expenses.

Ms. Blasius said the library does have a savings account however some of the monies may have some restrictions. Obviously, the library would rather not deplete monies in its savings and investment accounts on operating expenses.

Trustee Barnes asked if the library uses the interest accrued on their investment accounts for their operating budget.

Ms. Blasius said at this point the library does not.

Trustee McCague interjected, stating he wanted to make it clear this isn't a hearing on the operation of the Lakewood Memorial Library.

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RESOLUTION #63-2017 - APPROVE STOP-DWI AGREEMENT

Motion by Trustee McCague, seconded by Trustee Barnes, to approve the STOP-DWI Agreement between the Village of Lakewood and the County of Chautauqua for the period 01/01/2017 - 12/31/2018 and authorize Mayor Birrittieri to execute same.

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

RESOLUTION #64-2017 - APPROVE BORDER PATROL AUGMENTATION AGREEMENT

Motion by Trustee Holcomb, seconded by Trustee McCague, to approve the Border Patrol Augmentation Agreement between the Village of Lakewood and the County of Chautauqua for the period of 09/01/2016 - 09/30/2017 and authorize Mayor Birrittieri to execute same.

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

RESOLUTION #65-2017 - APPROVE RETAINER AGREEMENT

Motion by Trustee McCague, seconded by Trustee Holcomb, to approve the Retainer Agreement in the amount \$ 4,500.00 between the Village of Lakewood and Richard E. Stanton, Esq., Buffalo, N.Y., to provide legal counsel in the matter of Up State Tower Co., LLC v. Village of Lakewood, et al.

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

RESOLUTION #66-2017 - AUTHORIZE BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Branes, authorizing Village Treasurer Andrea J. Windoft to make the following budget transfers: \$ 4,500.00 from Account A1990.40, [Contingent Account], to Account A1420.40, [Law], in connection with Mr. Stanton's Retainer Agreement and \$ 5,000.00 from Account A1990.40, [Contingent Account], to Account a1620.40, [Buildings], to address the stormwater draining issues plaguing the L-BPD garage.

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

RESOLUTION #67-2017 - SET TIME AND DATE TO RECEIVE PROPOSALS

Motion by Trustee Barnes, seconded by Trustee McCague, to set 3:30 PM, Wednesday, May 24, 2017, as the time and date for proposals in connection with the Joint Lakewood/Busti Stormwater Management Engineering Study, are to be submitted to the Chautauqua Lake & Watershed Management Alliance, Jamestown, New York. This study is to be funded via a grant through the New York Clean Water State Revolving Fund Program.

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

RESOLUTION #68-2017 - APPROVE LICENSE AGREEMENT

Motion by Trustee Holcomb, seconded by Trustee McCague, to approve a revised License Agreement between the Village of Lakewood and the Chautauqua Lake Community Sailing Foundation, Inc., Lakewood, N.Y. This agreement shall have

a term of two (2) years with the license fees set at \$ 500.00 for the first year and \$ 750.00 for the second year.

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

APRIL 24, 2017 (CONTINUED)

RESOLUTION #69-2017 - AUTHORIZE USE OF RICHARD O. HARTLEY PARK

Motion by Trustee McCague, seconded by Trustee Barnes, authorizing the Events & Marketing Committee to make use of Richard O. Hartley Park as the stage for Live, Laugh, Love Lakewood Wellness Day, to be held 9:00 AM - 3:00 PM, Sunday June 4, 2017. NOTE: Wellness Day is being held in conjunction with the 5K and 10K Team Runs, which is a fundraiser for a United Nations project called "Nothing but Net", organized locally by the Rotary Club of Jamestown and Southwestern Interact Club.

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

RESOLUTION #70-2017 - APPROVE 2017 DOCK PERMIT APPLICATION

Motion by Trustee Drago, seconded by Trustee McCague, to approve the following 2017 Dock Permit application; David Doane, 127 Erie Street, for the Lowe Ave. right-of-way.

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

RESOLUTION #71-2017 - TABLE ACTION TO SET A TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Holcomb, seconded by Trustee McCague, for the Board of Trustees to table any action in setting a time and date to conduct a public hearing on the proposed sale and transfer of Village of Lakewood owned property on East Terrace Ave.

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

RESOLUTION #72-2017 - SET PRO-RATED FOOD TRUCK LICENSE FEE

Motion by Trustee Drago, seconded by Trustee Holcomb, to set \$ 250.00 as the Food Truck License Fee for 3 C's Catering, LLC, Kennedy, N.Y., to set-up as a food vendor during the five Thursday Live on the Lake events and during the 4<sup>th</sup> of July Summerfest.

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

RESOLUTION #73-2017 - AUTHORIZE MID-YEAR DPW BUDGET TRANSFERS

Motion by Trustee McCague, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to make the following mid-year DPW budget transfers; \$ 2,700.00 from Account A5142.40, [Snow Contractual], \$ 6,500.00 from Account A5110.45, [Streets, Diesel Fuel], and \$ 2,000.00 from Account A5110.44, [Streets, Gasoline], into Account A5110.40, [Streets, Contractual].

RECESS

Motion by Trustee McCague, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees at 8:54 PM, so as to enter into executive session to discuss pending legislation.

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

APRIL 24, 2017 (CONTINUED)

EXECUTIVE SESSION

Present at the executive session were Mayor Cara Birrittieri, Trustee Edward J. McCague, Trustee Susan F. Drago, Trustee Ellen E. Barnes, Trustee Randall G. Holcomb, Village Attorney John I. LaMancuso, Special Counsel, Richard E. Stanton, Esq. and Village Clerk Joseph M. Johnson. Motion by Trustee McCague, seconded by Trustee Barnes, to adjourn the executive session at 9:52 PM and to reopen the regular meeting.

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

Motion by Trustee Drago, seconded by Trustee Holcomb, and unanimously carried the Board adjourned at 9:53 PM.

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Joseph M. Johnson  
Village Clerk