

FEBRUARY 8, 2016

The third regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, February 8, 2016 at 6:00 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo and Susan F. Drago. 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 were Trustee Randall G. Holcomb and Building Inspector Jeffrey A. Swanson.

#### APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held January 25, 2016. Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

#### AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Drago, that the claims as audited by the Auditing Committee of the abstracts dated February 8, 2016 be approved and that the Clerk shall execute said abstracts (#37 & #38) and direct payment by the Treasurer. Trust & Agency Fund: \$ 56,617.56, (Checks #3644 thru #3655), General Fund: \$ 48,841.37, (Checks #12460 thru #12494) Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

#### REPORTS

Mayor Birrittieri was happy to report that the first meeting of the Citizens Budget Advisory Committee was held this past Friday. In addition to herself, those in attendance included Trustees Di Salvo & Holcomb, as members of the Finance Committee, Village Treasurer Andrea J. Windoft, members of the CBAC, David G. Bargar and David Shepherd, plus a few members of the general public. Mayor Birrittieri said the meeting was organizational in nature, reviewed the mission of the CBAC and provided an overview of the budgeting process. Discussion also centered around the need for better long term financial planning, including the creation of a capital reserve fund which will be talked about later during this evening's meeting. Mayor Birrittieri indicated most everyone she has talked to regarding budgeting the Village of Lakewood not only needs to plan long term but also needs to set aside funds to off-set major capital expenditures. Mayor Birrittieri said she would like to read a few sentences from the NYS Comptroller's guide on reserve funds. "Reserve funds provide a mechanism of legally saving money to finance all or part of a future infrastructure, equipment or other requirements." "Reserve funds can also provide a degree of financial stability by reducing reliance on indebtedness to finance capital projects and acquisitions." With that said the CBCA will be meeting with Department Heads to not only make recommendations for this budget season but to look ahead and to forecast future needs. Mayor Birrittieri said she is appointing one more member of the community to the CBCA and that person is Ms. Pam Fardink, 140 Franklin St., who brings years of budgeting expertise at the county level to the committee.

Mayor Birrittieri then indicated that the Village of Lakewood is continuing

to look at grant funding and that she was contacted by the Empire State Development - WNY Region about an upcoming grant deadline. She also has begun putting together information necessary to apply for a technical assistance grant for the purpose of preparing a Consolidated Funding Application, (CFA). This application will be directed towards three projects, Chautauqua Ave. streetscape and infrastructure improvements, and replacement or addition of sidewalks which would improve pedestrian accessibility and safety.

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Mayor Birrittieri also indicated that she recently met with the Chautauqua Region Community Foundation for guidance on completing the Major League Baseball/Baseball Tomorrow Fund application in an effort to complete the amazing baseball field project currently under construction.

Mayor Birrittieri said there has been much discussion about the Department of Public Works brush pick-up program and that she will be working with the Board of Trustees in developing a new policy beginning this spring. Mayor Birrittieri said she and DPW Supervisor Thomas Pilling along with other village officials have talked about cost savings and how to more efficiently and effectively utilize DPW manpower and how to better regulate use of the brush dump site on Packard Ave. Mayor Birrittieri said we are exploring ways to save time and your tax payer dollars. She said we are looking to free-up our five man DPW crew to maintain and improve our parks and streets, while at the same time keep better track of the brush bin.

There are plans to purchase and install a new camera system so as to better monitor use and abuse of the brush bin site. Mayor Birrittieri said she is hopeful to develop a new local law to cover brush disposal and sticker violators.

Mayor Birrittieri then indicated that Chautauqua County Executive Vince Horrigan stopped-in unexpectedly earlier today, adding it is nice to live in an area where the county executive just stops by for a visit. Mayor Birrittieri said she and Mr. Horrigan had a pleasant discussion about the Village of Lakewood and how all villages and townships might look toward improving efficiency and increasing economic development. Mayor Birrittieri said County Executive Horrigan will always be available to help in any way he can. Mayor Birrittieri said she is glad to know she can call on our County Executive anytime.

Department of Public Works Supervisor Thomas Pilling reported that while there has been a lull in winter type weather the DPW crew has been performing regular maintenance on vehicles and equipment and will be ready when winter weather returns.

Lakewood-Busti Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to one thousand one hundred eighty-six reportable incidents year-to-date and that the L-BPD participated in the STOP-DWI crackdown during super bowl weekend. Chief Bentley indicated that law enforcement agencies throughout Chautauqua County participated in the STOP-DWI crackdown which resulted in making eighteen drunk driver arrests.

Fire Chief Kurt W. Hallberg reported that the Lakewood Vol. Fire Department has responded to eighty-eight alarms year-to-date, twenty-four of which have occurred in the past two weeks. Chief Hallberg said of the twenty-four there

were a variety of emergency medical service calls, two motor vehicle accidents and two domestic incidents.

As far as training goes, Chief Hallberg invited Mayor Birrittieri and the Board of Trustees to a presentation at the Firemen's Clubhouse, 7:30 PM, tomorrow evening on the local Star Flight operation, to be given by Ms. Debbie Weaver. She made a similar presentation at the NYS Fire Chief's convention last summer which highlighted a recent "cardiac save" within the Village of Lakewood. Chief Hallberg said the sequence of events leading up to saving the patient's life, played out exactly the way they should have and proved to be an excellent example of how things should work.

Chief Hallberg also reported that confined space training and driver training has been scheduled and that he hopes to be able to submit the Annual Alarm Report for 2015 to the Mayor and the Board of Trustees at the next meeting.

#### COMMITTEE REPORTS

Trustee Drago asked Trustee Di Salvo what were the differences in his two recent drafts of the local law dealing with Hawking, Peddling and Soliciting.

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Trustee Di Salvo indicated that there were changes in some of the language, nothing substantive.

Trustee Drago said she still doesn't like section 13.3 of the local law, which more or less is picking on community based organizations such as the Brownies, school groups, etc.

Trustee Di Salvo asked Trustee Drago for any suggestions on how to deal with this particular aspect of the local law as proposed.

Trustee Drago said there should be some exceptions as to who needs to apply for a hawking, peddling & soliciting permit.

Village Attorney Wright said he thought that question was to be addressed but he will be happy to take another look at the wording.

Trustee Di Salvo then indicated he would like to include a "Do Not Knock" registry, with the Local Law as proposed. The "Do Not Knock" registry would be provided to those issued permits requesting that the permittee not call on those living at the addresses listed.

Village Attorney Wright suggested to Trustee Di Salvo that some penalty be tied into the language of the "Do Not Knock" registry. A penalty to consider could be the revocation of a permit after a warning or two.

Trustee Di Salvo then cited a couple recent incidents in the Buffalo, N.Y. area where licenses issued to door to door solicitors were revoked for being overly aggressive.

Village Attorney Wright said a reason to have a permitting procedure in place is to weed out those who might be masquerading as door to door sales personnel.

Trustees Di Salvo indicated that he will make the necessary language changes and provide copies to Mayor Birrittieri, Village Attorney Wright and the Board of Trustees.

ANYONE TO BE HEARD

Ms. Sandy Olson, 10 Clark Street, appeared before Mayor Birrittieri and the Board of Trustees to ask if anyone has information concerning the clean-up of the fire damaged residence at 9.5 Clark St. She indicated that her son lives across the street from her at 9 Clark Street and wondered if there a timetable as to when the gutted building is going to be torn down and property cleaned-up.

Mayor Birrittieri indicated the person to ask those questions is Building Inspector Jeffrey A. Swanson, who unfortunately is not in attendance this evening.

Mayor Birrittieri asked Fire Chief Hallberg if he has any information on the status of the property clean-up.

Fire Chief Hallberg said all he knows is that the property owner lives out of town.

Mayor Birrittieri suggested to Ms. Olson that she provide her contact information to the Village Clerk who will pass it on to Building Inspector Swanson so he can give you a call.

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DISCUSSION: LOCAL ORDINANCE ON WIRELESS TELECOMMUNICATIONS FACILITIES

Mayor Birrittieri indicated that the Village of Lakewood is considering entering into an agreement with Mr. Richard A. Comi, d/b/a The Center for Municipal Solutions, Glenmont, N.Y., who is to advise and assist on matters relating to the development of a local ordinance on wireless telecommunications facilities. Mayor Birrittieri said she has talked with Mr. Comi on a couple of occasions and given that the Village of Lakewood could potentially be on the receiving end of another cell tower application, entering this agreement will allow Mr. Comi to proceed with the local ordinance.

Village Attorney Wright indicated the agreement includes a provision that Mr. Comi will provide the Village of Lakewood with five hours of consultation to draft the ordinance.

Trustee Di Salvo asked when the Board of Trustees agreed to an agreement back in November 2015 to retain Mr. Comi as a consultant to review and analyze applications received by the Village of Lakewood for wireless telecommunications facilities, there was an expense limit of \$ 8,500.00.

Trustee Di Salvo said although Section 5-(b) does indicate an hourly rate of \$ 250.00 as compensation, shouldn't that expense cap also be noted in this contract agreement?

Village Attorney Wright indicated the Village of Lakewood may want to, but right now it is in the Board of Trustees' control how often they wish to utilize Mr. Comi's consulting services. The difference between this contract and the one agreed to in November 2015, is the earlier one pertained solely to the application for a wireless telecommunication facility off West First Street.

Mayor Birrittieri indicated that she is in favor of putting a limit on what may be spent for consulting fees and any ordinance that is drawn-up requires that the applicant must put in place an escrow account so that the municipality (Village of Lakewood) does not incur any of the consulting fees. Mayor Birrittieri said it is her understanding that the ordinance that Mr. Comi develops will include the escrow requirement.

Trustee Di Salvo asked if the consultant has submitted any billable hours pertaining to the agreement approved back in November 2015.

Village Attorney Wright said to his knowledge Mr. Comi hasn't submitted any billable hours. He said the consultant costs are kept in check because he can only perform services for the Mayor or other persons designated by the Mayor.

#### RESOLUTION #13-2016 - APPROVE AGREEMENT

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to approve an agreement between the Village of Lakewood and Mr. Richard A. Comi, d/b/a The Center for Municipal Solutions, Glenmont, N.Y., to assist and advise on matters relating to the development of a local ordinance on Wireless Telecommunications Facilities and to authorize Mayor Cara Birrittieri to execute same.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

#### RESOLUTION #14-2016 - CONFIRM ZONING BOARD OF APPEALS APPOINTMENT

Before taking a vote on the appointment, Mayor Birrittieri wished to publically thank Mr. Willard Anderson for his sixteen years of community service as a member of the Zoning Board of Appeals.

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to confirm Mayor Birrittieri's appointment of Gary M. Segrue, 16 East Terrace Ave., as a new member of the Zoning Board of Appeals. Mr. Segrue will fill a vacancy created when current Zoning Board of Appeals member Willard Anderson recently elected to step down. Mr. Anderson served faithfully on the Zoning Board of Appeals since March 2000.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

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#### DISCUSSION ON THE IDEA TO CREATE A CAPITAL RESERVE FUND

Mayor Birrittieri indicated the Village of Lakewood has always had the ability to create a capital reserve fund, with the stipulation that monies set aside are for a specific purpose. She said it has come time for the Village of Lakewood to start planning ahead financially.

Village Treasurer Andrea J. Windoft indicated from the research she has done, there isn't any limit on how many capital reserve accounts can be established, other than they must be identified as a specific capital fund or type capital fund. An example of a specific capital fund could be a building renovation project which is a long term investment and would require a public referendum. A type capital fund could be for the purchase of equipment wherein a public referendum wouldn't be required. This fund could be established via a resolution. Monies establishing the capital funds could come from the surplus and/or the fund balance. Treasurer Windoft indicated that each capital account would list its revenues and expenditures. The big question is, where is the initial funding going to come from.

Village Attorney Wright suggested that the Village of Lakewood consider developing a written policy, noting the purpose of the fund, amount to be deposited into it, permissible expenditures and whether the fund will be replenished. Come time for an audit the NYS Comptroller's Office will want to look at the policy when looking at the number and size of the reserve accounts.

Trustee Di Salvo asked Mr. Wright if it is true that once the capital funds are established there can not be any transfers between the respective capital funds as established.

Village Attorney Wright indicated to Trustee Di Salvo that is correct.

Trustee Barnes said she understands the Lakewood Fire Company invests their money and wondered what other ways may a municipality grow capital accounts over time.

Village Attorney Wright said one would have to research the General Municipal Law to find out what type of investments are permissible, adding there limitations as to how a municipality may invest its money.

Village Attorney Wright again suggested that the Village of Lakewood should first develop a written investment policy which will dictate how to proceed.

REVIEW & DISCUSS THE NEW AMBULANCE BIDS AS RECEIVED 3:00 PM, JANUARY 6, 2016

Fire Chief Kurt W. Hallberg indicated that the fire department received two bids for the 2015 or newer Type III Ambulance, one from Gorman Emergency Vehicles, Elma, N.Y., a MedixMSV-II 2016 Ford E-450 in the amount of \$ 129,950.00 and one from North Eastern Rescue Vehicles, Inc., Syracuse, N.Y. a RR Ultramedic 2016 Ford in the amount of \$ 157,350.00. The ambulance committee met and reviewed both bids and compared the specifications with what was bid. In reviewing the bid from Gorman Emergency Vehicles the committee felt it wasn't the vehicle that was specified in that their bid included fifty-two exceptions. Some of the exceptions were minor, however some of the exceptions represented major differences. In reviewing the exceptions Chief Hallberg said he is not implying that the Medix unit is unsafe, rather pointing out the differences between what was specified and what was bid. Chief Hallberg noted that Medix makes use of sealed plywood in the construction of the ambulance's cabinets versus aluminum.

Chief Hallberg said the specifications asked for two alternators, which is a standard in most ambulance units, however Medix indicated a second alternator

isn't necessary. The specifications also asked for a medical device rail inside the work area and a curbside squad bench, both of which were disregarding by Medix.

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Chief Hallberg said he and ambulance committee members went to different demonstrations and visited other fire departments for feedback on the various ambulance packages.

Another exception noted with the Medix ambulance bid was, there were no floor lights which in the opinion of the ambulance committee posed a safety issue for the crew.

Chief Hallberg said the Medix quoted price of \$ 129,950.00 doesn't include the graphics or lettering package, which would cost an extra \$ 3,000.00, and would increase the bid price to \$ 132,950.00.

Village Attorney Wright indicated if the higher of the two bids is recommended by the LFD reasons why they favor the higher bid should be noted in the records.

Mayor Birrittieri asked Chief Hallberg if the RR Ultramedic ambulance meets all the specifications.

Chief Hallberg said yes it does, adding the vendor assisted in writing the specifications, which is a common practice. The various manufacturers then have the opportunity to submit a bid. Chief Hallberg noted that the manufacturer of the lower priced unit has two lines of ambulances, Lifeline & Medix. He was surprised Gorman Emergency Vehicles didn't submit a bid for the Lifeline model, in that it is closer to the Road Rescue Ultramedic in construction and quality.

Chief Hallberg said some companies have a habit of submitting a low ball bid with the hope that they get the business based on price alone. The problem is the product is much different than what the specifications required and in the process to add features that were left out the total price escalates.

Trustee Drago indicated that when she and Trustee Barnes met with Chief Hallberg and the ambulance committee, they went through all the exceptions, some of which were mentioned earlier by Chief Hallberg.

One of the things that stuck-out for her was the Road Rescue Ultramedic ambulance is much safer for the patient and crew in the case of a rollover accident.

Trustee Barnes said Chief Hallberg pointed out the different materials used in the each ambulance's construction, namely the use of sealed plywood versus aluminum in certain areas, which could play a role in the clean-up of biohazards and keeping work areas properly sanitized.

Trustee Di Salvo asked Chief Hallberg if he has had an opportunity to talk with the folks at Gorman Emergency Vehicles about the many exceptions and if they would be willing to submit another bid that would better meet the specifications.

Chief Hallberg mentioned the sale of the 2005 Ford pick-up truck (M-37) as a source of revenue and the LFD has decided to sell the current ambulance

rather than keep it as a back-up. He said pretty soon the LFD will need a second ambulance in that 74% of the alarms in 2015 were emergency medical service (EMS) calls. Chief Hallberg said with the recent sale of M-37 and the pending sale of A-372 could generate enough revenue to bring down the overall cost of the new ambulance considerably.

Mayor Birrittieri asked Chief Hallberg if he and the committee have put a dollar figure on the number of exceptions noted.

Chief Hallberg said the committee went over the exception list very thoroughly, but did not do so dollar for dollar because of the unknown costs. In most specification lists there are bound to be some exceptions due to the fact that certain manufactures do not provide certain features.

Fire Department member Thomas Hurley, 12 Winding Way, indicated that Road Rescue ambulances are a proven unit and currently there approximately fifteen in service in Chautauqua County. Road Rescue also has an excellent vehicle service program. If a problem arises, a service crew will be dispatched and repair the vehicle on site. By providing on site repairs the time the vehicle is out of service is reduced.

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Trustee Di Salvo asked Village Attorney Wright if the Board of Trustees were to consider the higher of the two bids, reasons why would need to be documented. Trustee Di Salvo said he would need to see the documentation in an official form in order to even consider the higher bid.

Village Attorney Wright agreed with Trustee Di Salvo saying documentation to do so would be necessary, adding there is a need to build a record in order for the Board of Trustees to consider accepting the higher of the two bids.

Trustee Drago said when the Public Safety Committee met with the ambulance committee she came away with six pages of notes which reflects numerous reasons as to why the Board of Trustees should consider accepting the higher of the two bids.

Mayor Birrittieri suggested that Chief Hallberg and the Public Safety Committee look into providing more detail regarding the various bid exceptions on paper before moving forward.

#### RESOLUTION #15-2016 - TABLE ACTION ON THE AMBULANCE BID

Motion by Trustee Barnes, seconded by Trustee Di Salvo, per the recommendation of Mayor Birrittieri for the Board of Trustees to table action on the ambulance bids until such a time a detailed list of the bid exceptions and accompanying reasons is put in a document form supporting the acceptance of the higher of the two bids.  
Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

#### RESOLUTION #16-2016 - AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing the YWCA of Jamestown, NY, to make use of village streets on which to conduct their First Annual 1-K & 5-K road race fundraiser, to be held 10:00 AM, Saturday, August 6, 2016. The start and finish lines will be at the YWCA Lake Lodge,

185 East Terrace Ave.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

Motion by Trustee Di Salvo, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 7:03 PM.

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Joseph M. Johnson  
Village Clerk