

JANUARY 11, 2016

The forty-third and final regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 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, Fire Chief Kurt W. Hallberg 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 December 28, 2015. 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 December 30, 2015 and January 11, 2016 be approved and that the Clerk shall execute said abstracts (#6, #32, #33 & #34) and direct payment by the Treasurer. Capital Fund: \$ 1,452.44, (Checks #12372 thru #12375), Trust & Agency Fund: \$ 57,498.67, (Checks #3615 thru #3626), General Fund: \$ 48,309.15, (Checks #12376 thru #12415), General Fund, [End-of-Month], \$ 17,126.33, (Check #12371)  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### REPORTS

Mayor Birrittieri indicated there are a lot of exciting things happening in Lakewood and has been very busy meeting with department heads and staff in an effort to learn as much as she can as quick as she can.

Mayor Birrittieri said she has been in preliminary talks with Chautauqua County IDA officials regarding the potential for Professional Golf Association's Web.com tour players, their wives and families, who are participating in a golf tournament at Peek'n Peak this July, to visit Lakewood and experience its 4<sup>th</sup> of July Summerfest as well as other local activities and events. Mayor Birrittieri said she will keep everyone updated as more details become available.

Mayor Birrittieri said the Village of Lakewood has recently been awarded a \$ 492,500.00 Community Development Block Grant (CDBG), which will be used to repair and rehabilitate qualified residential properties within the Village of Lakewood with assistance from the Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC). This award represents the largest grant anyone can recall that the Village of Lakewood has received.

Mayor Birrittieri said she will be meeting with individuals currently involved with the development of a new baseball diamond near LaGrega Field, off Linwood Ave. The new baseball field has been engineered with the environment in mind and resistant to flooding. When completed it will be good

for the watershed, good for Chautauqua Lake and especially good for the kids who will be able to play baseball on it. As with most projects of this scope, a significant obstacle in the way of its completion is funding. Mayor Birrittieri said she will be seeking additional funding immediately to be able to install the artificial turf infield, backstop and fencing. An optimistic goal is to have the field ready for play sometime later this year. Mayor Birrittieri said it is exciting getting involved in such a worthy project and hopes to assist in any way she can to move it forward.

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Another subject Mayor Birrittieri wanted to discuss is the proposed 2.1 million New York State Department of Transportation milling and paving project which entails the milling and repaving of Rt. 394 from Winchester Road east to the City of Jamestown line. Mayor Birrittieri said she and others recently travelled to Buffalo and met with NYS DOT officials to request that additional safety improvements, such as enhanced striping at crosswalks, extending the two lanes at the intersection of Mall Blvd. and striping identifying bike lanes. Mayor Birrittieri said we also asked the DOT officials to consider extending the sidewalk on the north side of Rt. 394 from LUV Toyota west to Shadyside Ave. Also the Department of Transportation agreed to conduct a traffic study at the intersection of Shadyside Ave. & Rt. 394, to determine if a traffic control device is warranted at that location. Mayor Birrittieri indicated that she received a letter from the NYS DOT confirming that they intend to mill and repave beyond existing curb ramps exhibiting deteriorated pavement at the intersecting cross streets.

Mayor Birrittieri indicated that late this afternoon she was contacted by Town of Busti Councilman Ken Lawton, to ask if a member from the Village of Lakewood Board of Trustees would be interested in serving on the Loco Trail Committee. He also asked if the Village of Lakewood would consider co-funding an update to their pre-engineering study regarding the walking/bike trail being proposed within the railroad right-of-way. With the update the Loco Trail Committee will be able submit a 2016 grant application to the NYS DOT and/or the CFA. The cost of the engineering study has been estimated at \$5,000.00, with each entity funding \$ 2,500.00.

Department of Public Works Supervisor Thomas R. Pilling indicated the D.P.W. crew has been busy doing some equipment maintenance. Mr. Pilling also reported that last week a motorist lost control of his car off the north side of Terrace Ave. and crashed into a park bench and one of the historical markers.

Mayor Birrittieri commended Mr. Pilling and the DPW crew for the wonderful job they did in plowing the village streets overnight.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department responded to eight hundred ninety-seven alarms for the calendar year 2015, which is a record. Chief Hallberg indicated the LFD has responded to thirty-two alarms in the past two weeks which included two motor vehicle accidents that required the transport of four patients to the local hospital, a barn fire on Nutt Road, and another motor vehicle accident where a power pole at the corner of Teddy Ave. and East Summit Street was sheared off, resulting in the transport of one patient to the local hospital. Chief Hallberg also reported that he received confirmation that M-37, a 2005 Ford Rescue vehicle has been sold to the Carter Fire & EMR Services, Carter, Oklahoma for \$ 37,500.00, less a 10% commission. Chief Hallberg said they

have asked that an invoice be mailed to them to pay from.

Trustee Di Salvo asked Chief Hallberg if he could provide a monthly breakdown of the number and types of alarms the LFD responds to.

Trustee Di Salvo said in regards to the proceeds from the sale of M-37, there has been some discussion on establishing a capital fund, he asked Village Treasurer Windoft if the \$ 33,750.00 could be held in a specific fund until a reserve or capital fund is created

Treasurer Windoft said one of two things could be done. The money could be deposited into one of the savings accounts or by public referendum, create a new reserve account, into which the money could be deposited.

Trustee Di Salvo asked if the creation of a reserve account would require a permissive or mandatory referendum.

Village Attorney Wright indicated the process would require a mandatory referendum.

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Trustee Drago had two questions for Chief Hallberg. She asked what are the plans to manage the various emergency medical service calls upon the sale of M-37 and following the review of the ambulance bids how long could it be, if the decision is made to purchase a new ambulance, that the new one is placed into service.

Chief Hallberg said to order and have a new ambulance delivered generally takes six to eight months. In the absence of M-37 the other pick-up truck or the chief's car can be utilized if there is a request for an EMT. If there is a simultaneous EMS call the heavy rescue truck can be placed into service until a mutual aid fire department arrives to provide transport if needed.

Mayor Birrittieri asked Chief Hallberg if there is a time frame for the receipt of payment and transfer of the rescue vehicle.

Chief Hallberg said the Carter Fire & EMR Services would like to take delivery of the used rescue vehicle as soon as possible.

Trustee Holcomb asked Trustee Di Salvo if he is recommending that the entire \$ 33,750.00 from the sale of the used rescue vehicle be deposited into a reserve account, or if he would rather place half of that amount into the reserve account and use the other half towards the purchase of the new ambulance.

Trustee Di Salvo told Trustee Holcomb that is a good point and he hadn't thought about that particular scenario. We've only had preliminary discussions about the creation of such an account, but it is something we'll have to talk about.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department responded to eleven thousand five hundred thirty-two reportable incidents in 2015 and three hundred twenty-five year-to-date. Chief Bentley said earlier this evening members of the Lakewood-Busti Police Department, along with members of the Southern Tier Drug Task Force and New

York State Police raided a methamphetamine lab out in the Town of Busti and took two individuals into custody.

Although Village Attorney Wright had nothing to report Mayor Birrittieri asked if Mr. Wight could elaborate as to where the Village of Lakewood is with respect to the application for a wireless telecommunications facility in the village.

Village Attorney Wright said presently the Village of Lakewood has one application pending, which was for a cell tower off West First Street. Action on the application for this particular wireless telecommunications facility has been tabled at the request of the applicant. Mr. Wright said this past week he heard the same party was in negotiations with the Lakewood Fire Company about the possibility of placing a wireless telecommunications facility on their property off East Summit Street. The Village of Lakewood has taken the position of entertaining one cell tower application at a time, which would require that the applicant first withdraw the original application prior to submitting a new application. In addition to that, at the December 28, 2015 meeting of the Board of Trustees, a local law was adopted to institute an Interim Application Process for Wireless Telecommunications Facilities. Mr. Wright said the new local law becomes effective once it is filed at the Office of the Secretary of State and any new applications for wireless telecommunications facilities would be covered by the newly adopted local law.

Mr. Wright said during the last week of December 2015 he negotiated a contract with consultant Richard A. Comi, to provide the Village of Lakewood assistance in drafting a cell tower ordinance. Mr. Wright said he doesn't believe the Mayor was authorized to execute this particular contract due to the fact that it wasn't finalized until December 31<sup>st</sup>. Mr. Wright said in Mayor Birrittieri's e-mail is a draft of the contract for her review. He said if Mayor Birrittieri is comfortable with the contract the Board of Trustees can then adopt a resolution authorizing her to execute it.

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Mayor Birrittieri asked Village Attorney Wright if the new local law as adopted will impact the current negotiations between the Lakewood Fire Company and Blue Wireless.

Village Attorney Wright indicated the newly adopted local law does include some financial requirements which could impact their negotiations, adding he can't speak for Up State Tower Co.

Trustee Di Salvo asked Village Attorney Wright, because the Board of Trustees accepted the ninety day window for the local law adopted December 28<sup>th</sup>, would the timeframe begin on December 28<sup>th</sup>.

Village Attorney Wright indicated the ninety day timeframe wouldn't begin until the local law is filed at the Office of the Secretary of State.

Village Treasurer Andrea J. Windoft reported that in connection with an agenda item regarding the Village of Lakewood's procurement policy she took the liberty and downloaded New York State Procurement Policy Guidelines for reference if needed.

Building Inspector Jeffrey A. Swanson reported he is working with Village Attorney Wright in drafting a local law which would establish some rules to regulate who can conduct electrical inspections within the Village of Lakewood. He is hopeful to have it completed for the Board of Trustees' review by the next meeting. Mr. Swanson indicated that he will submit the Building Department's Annual Report for 2015 at the next regular meeting and that he has prepared a Property Maintenance Complaint Form, which are available at the Office of the Village Clerk.

Mayor Birrittieri said the new complaint form is comprehensive and a good idea from a record keeping standpoint.

Mr. Swanson said as far as the status of the demolition and clean-up of the unsafe structure at 8 Olive Ave., he is waiting to hear from the Chautauqua County Land Bank.

Village Attorney Wright indicated the demolition and clean-up of the property at 8 Olive Ave., which is to be overseen by the Chautauqua County Land Bank, will not likely happen until spring, when this project is expected to be grouped with other scheduled demolition projects within the City of Jamestown.

#### COMMITTEE REPORTS

Public Safety Committee Chairperson Trustee Barnes indicated there has been much discussion recently about the purchase and financing of the new pumper fire truck and took the liberty to contact other local volunteer fire departments to get a better understanding on how they function when compared to the Lakewood Fire Department. Trustee Barnes said she learned that fire departments across the county are set-up differently. The Board of Trustees for the Village of Lakewood acts as the Board of Fire Commissioners overseeing and approving business conducted by the LFD. An off-shoot of the LFD is the Lakewood Fire Company which is an independent entity. Trustee Barnes indicated that volunteer fire departments in the villages of Mayville, Falconer, Ashville and Fredonia do not have fire companies, however each of them has a capital fund as a depository for monies geared specifically for major equipment purchases. Trustee Barnes said although the Village of Lakewood doesn't currently have such a fund, there has been some constructive discussions among board members to start a capital improvement fund within the new budget for the upcoming fiscal year. Trustee Barnes said that any rift, real or imagined, between the fire department membership and the Village of Lakewood must be closed. Trustee Barnes indicated the LFD does a wonderful job and has seen what they do up close and in person. When taxpayers are asked where do they think their tax dollars are spent, the overwhelming response was for services, such as police department, fire department and street department.

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If indeed the fire department needs the new pumper and a new ambulance, then the Board of Trustees acting as the Board of Fire Commissioners must seriously consider providing the LFD with the necessary equipment to do their job.

Trustee Barnes also indicated she is hopeful that questions about charging

for hospital transports can be answered so the LFD can decide whether or not to move forward on this matter. Any fees collected for hospital transports must be deposited into a revenue account specifically designated for emergency medical service (EMS) expenses only. Trustee Barnes indicated that the Lakewood Fire Department and the Busti Fire Department are currently working together to form an independent Emergency Medical Service (EMS) Company with respect to the possibility of one day being able to charge for hospital transports, adding there are a lot of details yet to be worked out.

Trustee Barnes said we in the community love our volunteers and said it is her opinion that we need to provide the LFD with the safest and best equipment that we can afford so they can continue to serve the community at the highest level.

Trustee Drago said as the other member of the Public Safety Committee, she would like to reiterate Trustee Barnes' comments in thanking the wonderful volunteers that make up the Lakewood Fire Department and expressed her appreciation for all they do for the community. The question raised by Mayor Wordelmann at the last meeting, is \$ 30.00/100,000.00 assessed value too much to pay for the new pumper to keep us safe. Trustee Drago answered, she doesn't think so.

Trustee Holcomb also expressed his support of the Lakewood Fire Department and its volunteers saying in the past fifteen years his family has had to call upon the LFD for emergency medical service (EMS) fifteen times. Trustee Holcomb said he would never want to risk not having that service. Trustee Holcomb indicated to the members of the LFD present that the Board of Trustees is always approachable and welcomes any questions. Trustee Holcomb wanted the LFD to know that they have his 100% support.

Mayor Birrittieri agreed with the Trustees Barnes, Drago and Holcomb saying the LFD does an amazing job for the community and that the Board of Trustees can learn from the Lakewood Fire Company's example on how to set aside monies for major equipment purchases. It will be up to the Board of Trustees from here on out to plan ahead when considering major purchases. Mayor Birrittieri said in her short tenure as Mayor she has tried to understand the issues and a way to do that is to ask questions. The more questions asked, the better understanding one has with a particular subject or issue.

Mayor Birrittieri thanked Trustee Barnes and Trustees Drago for the work they've done as members of the Public Safety Committee and it's certain that they will be called upon when work on the upcoming police and fire department budgets begins.

Mr. Ted McCague, Chairman of the steering committee for the comprehensive plan indicated that on December 17th he and members of the steering committee provided an informal update on the comprehensive plan process to the Board of Trustees including the newly elected officials and the Chairman of the Planning Board and Zoning Board of Appeals. Mr. McCague said the steering committee also met January 6<sup>th</sup> and are awaiting a copy of the final draft from the planner. Once the committee receives the final draft it will be submitted to Mayor Birrittieri and the Board of Trustees for their review and comment. Mr. McCague said he is hopeful the comprehensive plan can be adopted by the Board of Trustees by no later than May 31<sup>st</sup>.

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ANYONE TO BE HEARD

Mr. Craig Seger, 31 Winchester Road, indicated last month he appeared before the Board of Trustees to voice his concerns regarding the wood burning furnace located next to his rental property at 33 Chautauqua Ave. At that time he and Sam Whitmore, 34 Ohio Ave., were told they were on their own, however Trustee Barnes interceded and with assistance from Building Inspector Jeff Swanson the New York State Department of Conservation stepped-in and determined the situation was considered an environmental problem. The owner of the wood burning furnace was subsequently directed to raise its smokestack. Mr. Seger thanked everyone who had a hand in solving this problem.

Mr. P.J. Wendel, Chautauqua County Legislator for District 10, appeared before Mayor Birrittieri and the Board of Trustees, with some information regarding the unacceptable condition of the bridge on East Summit Street, (County Highway #110). Mr. Wendel said he received an e-mail from Mr. George Spanos, Director of the Chautauqua County Department of Public Facilities, who indicated that although the inspection report noted that the bridge is structurally sound, the parapet walls of the bridge have deteriorated over time. Mr. Wendel said he was told by Mr. Spanos that the end walls of the bridge will be cosmetically repaired sometime during the upcoming construction season. Legislator Wendel said he was pleasantly surprised with the county's quick response, but nevertheless he plans on holding Chautauqua County to those scheduled bridge repairs.

Legislator Wendel also reported that Mr. Mark Geise has left the Chautauqua County Department of Planning & Economic Development & Land Bank to take a position with the Jamestown Renaissance Corporation.

Mr. David G. Bargar, 11 Sunset Ave., said the Concerned Citizens for Better Government have in the past urged better communications and is delighted to see some improvements. Mr. Bargar said residents also need to be in touch with their elected officials and with that said, has circulated the phone numbers and e-mail addresses of the Mayor and the Board of Trustees. Knowing how residents feel about a particular issue should help our elected officials in making an informed decision.

Mayor Birrittieri indicated a couple other items the Public Safety Committee is looking into will be the review of the ambulance bids, and the reverse 911 system and how it will work for the Village of Lakewood. Mayor Birrittieri said if there is a major emergency that might impact area residents she is compelled to know and understand that there is a system in place that could alert people rapidly.

Committee Chairman Trustee Barnes indicated that the reverse 911 system goes through the Chautauqua County dispatch system and that it works only for land lines. If residents need to be notified of an emergency the incident commander could request that the reverse 911 system be activated for a particular geographical area.

Lakewood Fire Company President Jack Knowlton indicated cell phone customers are able to register for what is referred to as Alert New York, which will

advise them of emergencies occurring anywhere throughout New York State.

Mayor Birrittieri also wished to note a question had been raised asking whether or not money could be legally borrowed from a local fire company by the municipality. Apparently there are conflicting reports on this matter and would like to look into it further with Village Attorney Wright.

Mayor Birrittieri indicated she would like to restructure, in accordance with Village Law, the terms for members of the Planning Board and Zoning Board of Appeals. Village Law calls for staggered five (5) year terms for members of both review boards. Mayor Birrittieri said she is hopeful she will be in a position to make those appointments at the next regular meeting of the Board of Trustees.

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Mayor Birrittieri said she also intends to draft a letter to Town of Busti Supervisor Jesse Robbins to invite he and members of the Town Council to participate in joint informational meetings with the Village Board of Trustees in months of the year having a fifth Monday.

On another subject Mayor Birrittieri indicated she is interested in forming a citizen budget review committee, comprised of three or four residents possessing some financial skills. Although it is the Mayor's budget she would like some citizen input. She added the budget review committee would be totally advisory in nature.

Because communication is a key component in local government Mayor Birrittieri said she plans on making some changes to the Village of Lakewood's web-site and is hopeful to produce a monthly or quarterly village newsletter.

ADJOURN LAST REGULAR MEETING

Motion by Trustee Di Salvo, seconded by Trustee Drago, to adjourn the Board of Trustees' last regular meeting of the official year.

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

MAYOR'S APPOINTMENTS

Deputy Mayor:	David J. Di Salvo	
Auditing Committee:	Randall G. Holcomb *	Ellen E.
Barnes		
Streets & Sidewalks Committee:	Randall G. Holcomb *	David
J. Di Salvo		
Buildings Committee:	Ellen E. Barnes *	Susan F. Drago
Public Safety Committee:	Ellen E. Barnes *	Susan F. Drago
Finance Committee:	David J. Di Salvo *	Randall G.
Holcomb		
Parks & Recreation Committee:	Susan F. Drago *	David J. Di
Salvo		
Personnel Committee:	Susan F. Drago *	Randall G. Holcomb
Planning & Zoning Committee:	David J. Di Salvo *	Randall G.
Holcomb		

Tree Committee Liaison: David J. Di Salvo

\*Denotes Committee Chairperson

Motion by Trustee Di Salvo, seconded by Trustee Holcomb, that the Board of Trustees does hereby confirm Mayor Cara Birrittieri's appointments.

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

#### FIRST REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES

Mayor Cara Birrittieri called the first regular meeting of the Village of Lakewood Board of Trustees for the new official year to order.

#### RESOLUTION #1-2016 - OFFICIAL BANKS

Motion by Trustee Holcomb, seconded by Trustee Barnes, per the recommendation of Village Treasurer Andrea J. Windoft, that M & T. Bank, Key Bank of W.N.Y., Community Bank and Five Star Bank be hereby designated as the official depositories for all funds of the Village of Lakewood during the ensuing year and that two (2) signatures be required on all checks, consisting of either Mayor Cara Birrittieri or Deputy Mayor David J. Di Salvo and either Village Treasurer Andrea J. Windoft or Deputy Treasurer Joseph M. Johnson.

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

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#### RESOLUTION #2-2016 - OFFICIAL NEWSPAPER

Motion by Trustee Barnes, seconded by Trustee Drago, that The Post-Journal, Jamestown, New York be designated as the official newspaper of the Village of Lakewood.

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

#### RESOLUTION #3-2016 - SET MILEAGE ALLOWANCE

Motion by Trustee Di Salvo, seconded by Trustee Barnes, WHEREAS the Board of Trustees of the Village of Lakewood has determined to pay a fixed rate for mileage reimbursement to officers and employees of the Village of Lakewood who use their personal vehicles while performing their official duties on behalf of the Village of Lakewood, NOW THEREFORE BE IT RESOLVED that the Board of Trustees approve reimbursement to such officers and employees at a rate as calculated semi-annually by the Internal revenue Service. The current rate/mile is \$ .54 and this resolution shall take effect immediately.

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

#### RESOLUTION #4-2016 - SET REGULAR BOARD MEETING SCHEDULE

Motion by Trustee Barnes, seconded by Trustee Drago, per the recommendation of Mayor Birrittieri, that the regular meetings of the Village of Lakewood Board of Trustees shall be conducted on the second and fourth Mondays of each month in the Board Room of the Anthony C. Caprino Municipal Building, 20 West Summit Street, Lakewood, New York at 6:00 PM. If it is deemed necessary to change the day and/or the time of a regularly scheduled meeting of the Village of Lakewood Board of Trustees, the Mayor, the Board of Trustees, the respective department heads and the media shall be advised of the changes in writing when practicable.

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

RESOLUTION #5-2016 - AUTHORIZE ADVANCE APPROVAL OF CLAIMS

Motion by Trustee Di Salvo, seconded by Trustee Holcomb, authorizing payment in advance of auditing, claims for certain recurring expenses such as utility services, postage, freight and express charges.

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

RESOLUTION #6-2016 - TABLE ACTION ON AMBULANCE BIDS

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to table action on the sealed bids for one (1) 2015 or newer Type III Ambulance that were received 3:00 PM, Wednesday, January 6, 2016, until such a time Fire Chief Hallberg and his assistant chiefs have had an opportunity to review the bids in detail.

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

USE POLICY FOR PUBLIC PARKING LOT

Mayor Birrittieri indicated she had a discussion with Trustee Di Salvo regarding the collection of boats, campers and vehicles that have been allowed to be stored in the parking lot behind the Anthony C. Caprino Municipal Building and whether or not a policy should be in place as to what can be parked there, particularly during the winter months when it has become a storage area.

JANUARY 11, 2016 (CONTINUED)

Trustee Di Salvo indicated the area is meant for public parking for residents and visitors rather than a storage area for recreational vehicles, etc. Trustee Di Salvo suggested the matter be discussed further and that a proposed policy be drafted for the Board of Trustees' review and comment.

Mayor Birrittieri said she was in agreement.

Motion by Trustee Barnes, seconded by Trustee Drago, and unanimously carried the Board adjourned at 7:13 PM.

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Joseph M. Johnson  
Village Clerk

