

JANUARY 25, 2016

The second regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 25, 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, Deputy Village Treasurer Mary B. Curie, 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 Barnes, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held January 11, 2016. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### AUDIT OF CLAIMS

Motion by Trustee Holcomb, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated January 25, 2016 be approved and that the Clerk shall execute said abstracts (#7, #35 & #36) and direct payment by the Treasurer. Capital Fund: \$ 346.66, (Checks #12417 & #12418, Check #12416 voided), Trust & Agency Fund: \$ 58,826.08, (Checks #3627 thru #3643), General Fund: \$ 32,851.18, (Checks #12419 thru #12459) Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### REPORTS

Mayor Birrittieri indicated that the last couple of weeks she spent a considerable amount of time meeting and speaking with members of the community who would like to serve and that it is important for everyone to know that there are a number of people who are stepping up to the plate to take part in their community.

Mayor Birrittieri said one of the more challenging tasks has been to devise a way to bring the Planning Board and Zoning Board of Appeals into compliance with Village Law in establishing the prescribed five year staggered terms for each of its members. While most of the board members have been notified of the changes, Mayor Birrittieri indicated she has yet to speak with a couple board members. Mayor Birrittieri noted each review board will have one or more new members.

Mayor Birrittieri said she would like to take a moment to thank Planning Board members Jon Pearson and Thomas Moore for their faithful and dedicated service to the Village of Lakewood over the years. Mr. Pearson, former Chairman of the Planning Board served the community for nineteen years while Mr. Moore served on the planning Board for sixteen. Mayor Birrittieri then lead the Board of Trustees and members of the community in a round of applause in thanking and commending Mr. Pearson and Mr. Moore for their community service.

Mayor Birrittieri said she is in the process of putting together a Citizens Budget Advisory Committee, to be comprised of three or four members. She

stated this committee will prove to be an asset to the Village of Lakewood as it faces a very fiscally challenging time. Mayor Birrittieri indicated it goes without saying that the Village of Lakewood is facing a very difficult budget year ahead.

Changing subjects, Mayor Birrittieri indicated the Village of Lakewood has partnered with the Chautauqua County Land Bank in the demolition of the unsafe structures at 8 Olive Ave. and subsequent clean-up of the property. She noted Building Inspector Jeff Swanson will be working closely with the Chautauqua County Land Bank in an effort to expedite this project.

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Mayor Birrittieri said she and Building Inspector Swanson discussed the possibility of utilizing the Chautauqua County Land Bank in addressing other substandard properties.

Mayor Birrittieri then indicated that Building Inspector Swanson recently put together a property maintenance type complaint form and urged all residents to make use of this form to report substandard properties. This can be done anonymously and will assist Mr. Swanson in carrying out his job as Code Enforcement Officer.

One committee that has yet to be filled is the Marketing & Events Committee. Mayor Birrittieri said if anyone is interested or know someone that might be interested to let her know.

Mayor Birrittieri said changes in the Village of Lakewood's web-site will be forthcoming and that she is working with web-site designer Doug Hoisington and Deputy Clerk Mary Currie in seeing those changes through.

Mayor Birrittieri thanked Mr. Pilling and the D.P.W. crew for their work in keeping the village streets clear of snow.

Department of Public Works Supervisor Thomas R. Pilling indicated he compiled a 2015 breakdown of costs associated with the pick-up and disposal of brush for review and comment by Mayor Birrittieri and the Board of Trustees. Mr. Pilling said it will be up to the Board of Trustees to continue the brush pick-up program as is or to consider some changes in this service.

Trustee Drago asked Mr. Pilling approximately how much does it cost to just empty the brush drop-off site on Packard Ave. annually.

Mr. Pilling said it costs around \$ 1,500.00/month to load and haul brush from the drop-off site.

Lakewood-Busti Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to seven hundred thirty-eight reportable incidents year-to-date, which includes the four hundred sixty in the last two weeks. Of those, one hundred twelve were traffic stops, seventy-nine property checks, twenty-three assists, three domestic disputes, two DWI arrests, twenty motor vehicle accidents and ten other criminal arrests.

Chief Bentley also reported that the L-BPD has partnered with the Chautauqua County and Cattaraugus County Sheriff Departments in a joint application for a \$ 20,000.00 federal grant as an add on to the original K-9 grant and will be on receiving end of about \$ 7,400.00 to fund its K-9 program.

Trustee Drago asked Chief Bentley if the \$ 7,400.00 would be deposited into the K-9 budget line.

Chief Bentley indicated that the Chautauqua County Sheriff's Department will be administering the grant money. It's a case when monies are spent on the K-9 program, invoice copies will be sent to the Sheriff's Department for reimbursement until the L-BPD share is expended.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to sixty-four alarms year-to-date, thirty-nine of which occurred in the past two weeks. Of those thirty-nine alarms there were two motor vehicle accidents, a bicycle accident, three carbon monoxide alerts, one odor of natural gas with most of the rest being emergency medical service calls.

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Chief Hallberg also reported that three (3) members of the LFD are currently enrolled in the Emergency Medical Technician (EMT) class which runs through June 2016. The LFD is also doing some in house training and equipment maintenance. Chief Hallberg said drills are scheduled on blood borne pathogens and winter driving. Concluding his report Chief Hallberg said he and the truck committee, after reviewing the ambulance bids and specifications, should have a recommendation by the next meeting. Chief Hallberg said the lower of the two bids had fifty-two exceptions which will have to be looked at in detail.

Village Clerk Johnson reported that the Village of Lakewood has received payment for the 2005 Ford Rescue vehicle which was sold to the Carter Fire & EMR Services, Carter, Oklahoma for \$ 37,500.00.

Building Inspector Jeffrey A. Swanson indicated that he put together a packet of information on the proposal by William McFadden to build a new Honda car dealership at 207 East Fairmount Ave. for their preliminary review and comment. Mr. Swanson said Honda likely has a certain number of building plans to choose from to fit this particular location. Mr. Swanson said the formal construction drawings and plans are in the works and could be completed to present to the Planning Board at their March 2016 meeting.

Mr. Swanson said final revisions have been made to the proposed local law which establishes rules regulating who may conduct electrical inspections and to move its adoption forward he would like the Board of Trustees to consider setting a time and date to conduct a public hearing on the matter.

Mayor Birrittieri suggested that the Board of Trustees schedule a public hearing on the local law being proposed to regulate those who may conduct electrical inspections with the Village of Lakewood.

Village Attorney Wright reported that people may remember that Mr. Randy Ridgeway was arrested last summer by the L-BPD. He subsequently started a civil rights action against the Village of Lakewood in federal court. Mr. Wright said the federal court action has finally been dismissed and Mr.

Ridgeway's timeframe to appeal this action has expired. This past Friday Mr. Ridgeway plead guilty to disorderly conduct as a result of the incident. He was fined and received a twelve month conditional discharge, which concludes the matter.

#### COMMITTEE REPORTS

Trustee Holcomb, Chairman of the Auditing Committee indicated that he fellow committee member Trustee Barnes have started reviewing the Village of Lakewood's Procurement Policy. Mr. Holcomb said it hasn't been reviewed since 2012 and because it should be done every two years, he and Trustee Barnes will suggest any recommended changes to the policy by April 2016.

Trustee Drago, Chair of the Parks & Recreation Committee wished to make a comment on the two letters, dated January 25, 2016 that Mayor Birrittieri sent to the Chautauqua Lake Association. Trustee Drago said one letter stated that the Mayor and the Board of Trustees would support a particular CLA program, without canvassing its members for input. The second letter more or less granted permission for the CLA to establish a boat launch inspection station at the Village of Lakewood's public boat launch on East Terrace Ave., again without input on the matter from the Board of Trustees.

Mayor Birrittieri indicated she had received an e-mail from Mr. Doug Conroe, Executive Director of the Chautauqua Lake Association, Inc., requesting letters of support and permission in connection with a New York State Department of Environmental Conservation grant entitled, the Aquatic Invasive Species (AIS) Spread Prevention Program. Unfortunately the dead-line for the letters as requested was today.

Desirous to support the CLA's grant application for this worthwhile program Mayor Birrittieri said she took the liberty to provide Mr. Conroe with the letters as requested.

Trustee Drago questioned how might a boat launch inspection station at Community Park interfere with the use of the facility and whether or not it would pose an added liability for the Village of Lakewood. JANUARY 25, 2016  
(CONTINUED)

Trustee Drago said she might very well be in favor of the boat launch inspection station, however she is hesitant to say yes to something she has very little knowledge of.

Trustee Di Salvo said the matter should be discussed in more detail, adding he has a few questions about the boat launch inspection station himself.

Mr. Jackson Smith, 15 Sunset Ave., said he can speak to boat inspections and it is something the State of New York is now requiring. In an effort to combat Aquatic Invasive Species (AIS), it is suggested that public boat ramps across the NYS designate an area where boats coming and going can be inspected.

Village Attorney Wright indicated the boat inspection stations are not mandated by NYS yet, but instead it is left up to the local municipality. One area that has mandated the boat inspection stations is around Lake George. For the CLA to establish a boat inspection station at Community Park, would require a resolution by the Board of Trustees approving the proposal and the subsequent use of Village of Lakewood property.

Trustee Drago said she found fault with how the letter was worded and indicated that the CLA should have requested the letters sooner so the matter could have been discussed by the Board of Trustees.

Mayor Birrittieri said the letters were simply a show of support from the Village of Lakewood for the Aquatic Invasive Species (AIS) Spread Prevention Program.

Trustee Di Salvo suggested that an amended letter be sent to the CLA, clarifying the Board of Trustees position on the matter.

Mr. Richard Rose, Tree Committee Chairman wished to make a brief report on the activities of the Tree Committee for 2015-2016. Mr. Rose thanked the Village of Lakewood for appropriating \$ 5,600.00 as a line item in the current budget to carry out some tree trimming and for the purchase and planting of some new trees. Mr. Rose said a number of trees were planted last fall while some will be delivered and planted this spring.

Mr. Rose also indicated the Tree Committee has applied for a \$ 5,000.00 grant through the Chautauqua Region Community Foundation, which if received, will be used to update the Village of Lakewood's tree inventory and urban forestry management plan. Mr. Rose said he should hear something on the status of the grant by the end of March.

Trustee Di Salvo indicated he has looked into updating the 1935 local law dealing with Hawking, Peddling and Soliciting. Last year there was some discussion on whether to completely prohibit the practice or to develop an updated set of rules and regulations. Trustee Di Salvo said he has cobbled together a draft, after some minor editing with the help of Village Attorney Wright, of a local law regulating door to door soliciting. Trustee Di Salvo said this local law would protect the health safety and welfare of Village of Lakewood residents. Trustee Di Salvo said he would like the Board of Trustees to review the document and to set a time a date for a public hearing for the second meeting in February. Trustee Di Salvo said he also set-up a fee schedule for the application and permit/license to accompany the permit rules and regulations.

In addition to a new set of rules regulating door to door soliciting, Trustee Di Salvo said the Village of Lakewood could consider establishing a "DO NOT KNOCK" registry, which would consist of a list of addresses where solicitors would be prohibited from calling upon.

Trustee Drago asked Trustee Di Salvo what about school groups that are involved with fund raisers. According to Section #13.3, they would still be required to obtain an organizational certificate to go door to door.

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Trustee Di Salvo indicated to Trustee Drago that although school groups would still be required to obtain an organizational certificate, they wouldn't have to go through any background checks.

MAYOR'S APPOINTMENTS

RESOLUTION #7-2016 - APPROVE/CONFIRM MAYOR'S APPOINTMENTS

Motion by Trustee Di Salvo, seconded by Trustee Holcomb, to approve/confirm Mayor Birrittieri's Departmental, Committee, Liaison Positions and Review Board appointments as follows:

One Year Terms

Thomas R. Pilling - D.P.W. Supervisor  
Building Inspector - Jeffrey A. Swanson  
Village Historian - Susan G. Lane

Two Year Terms

Joseph M. Johnson - Village Clerk  
Andrea J. Windoft - Village Treasurer  
Mary B. Currie - Deputy Clerk/Treasurer

Committee Reappointment

Replace Trustee Randall G. Holcomb with Trustee Ellen E. Barnes as a member of the Personnel Committee

Liaison Positions

Trustee Susan F. Drago - Lakewood Memorial Library  
Trustee Randall G. Holcomb - History Museum/Committee

Planning Board

Edward J. McCague \*\* - Term Ending Jan. 2020  
Kaie Smith \* - Term Ending Jan. 2019  
Richard Rose - Term Ending Jan. 2021  
Herbert Hern - Term Ending Jan. 2017  
Marion Gibbon - Term Ending Jan. 2018

Zoning Board of Appeals

William F. Chandler \*\* - Term Ending Jan. 2018  
Myra V. Blasius \* - Term Ending Jan. 2017  
Louis S. Drago, Jr. - Term Ending Jan. 2019  
Duane F. Anderson - Term Ending Jan. 2020  
To Be Determined

\*\*Review Board Chair

\*Review Board Deputy Chair

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

Mayor Birrittieri announced that Mr. David G. Bargar, 11 Sunset Ave., Mr. David W. Shepherd, 44 West Terrace Ave., and Mr. Douglas L. Schutte, 104 Winchester Road, have graciously agreed to serve on the Citizens Budget Advisory Committee. The members of this committee will assist the Finance Committee and the Board of Trustees in putting together a workable budget for the Village of Lakewood. Mayor Birrittieri noted there is a possibility of adding a fourth individual to this ad hoc committee.

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RESOLUTION #8-2016 - AUTHORIZE BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to make the following budget transfers due to

overages in the respective contractual accounts: \$ 4,000.00 from Account A3120.10, (Police Salaries) into Account A3120.11, (Police Overtime Salaries), \$ 15,000.00 from Account A3410.20, (Fire Equipment), into Account A3410.43, (Fire Equipment Maintenance/Testing) and \$ 7,000.00 from Account A5110.45, (DPW Diesel Fuel), into Account A5110.43, (DPW Vehicle Maintenance).

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

RESOLUTION #9-2016 - AUTHORIZE POLICE VEHICLE BID REQUESTS

Motion by Trustee Barnes, seconded by Trustee Di Salvo, authorizing Police Chief John R. Bentley to request sealed bids for one (1) new 2016 police patrol car and one (1) new 2016 police sport utility vehicle (SUV). Bids are to be received at the Office of the Village Clerk at or before 3:00 PM, Friday, February 12, 2016.

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

RESOLUTION #10-2016 - AMEND THE CURRENT PROCUREMENT POLICY

Motion by Trustee Barnes, seconded by Trustee Holcomb, to amend Section #10 (A) of the Village of Lakewood's Procurement Policy, in listing only the titles of those department heads responsible for making purchases on behalf of the Village of Lakewood.

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

RESOLUTION #11-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to set 6:15 PM, Monday, February 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing on proposed Local Law #1-2016, regulating door to door Hawking, Peddlers & Soliciting within the Village of Lakewood, N.Y.

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

RESOLUTION #12-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Holcomb, to set 6:20 PM, Monday, February 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing on proposed Local Law #2-2016, regulating who may conduct electrical inspections within the Village of Lakewood, N.Y.

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

Motion by Trustee Drago, seconded by Trustee Di Salvo, and unanimously carried the Board adjourned at 6:49 PM.

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Joseph M. Johnson  
Village Clerk

