The third regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, February 13, 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, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent was Building Inspector Jeffrey A. Swanson.

MOMENT OF SILENCE

Mayor Birrittieri asked everyone to join her and the Board of Trustees in observing a moment of silence in memory and honor of Ms. Kristen Schmidtfrerick who recently died. Ms. Schmidtfrerick, daughter of Werner & Judy Schmidtfrerick, grew up in Lakewood and was a SWCS graduate. She is also the sister of Ms. Susan Huffman, Deputy Clerk for the Town of Busti and Ms. Lisa Schmidtfrerick-Miller, who has worked with the Village of Lakewood numerous times on ideas to improve the safety and connectivity for walkers and cyclists and was instrumental in the Village of Lakewood receiving the 2016 SOPHI Award.

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 23, 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 February 13, 2017, be approved and that the Clerk shall execute said abstracts (#37 & #38) and direct payment by the Treasurer. Trust & Agency Fund: $ 58,351.05, (Checks #4014 thru #4023), General Fund: $ 65,276.33, (Checks #13467 thru #13529)
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

REPORTS

Mayor Birrittieri said although she wasn’t able to attend Saturday evening’s annual Lakewood Fire Department banquet and awards ceremony, she would like to congratulate all the wonderful volunteers that were honored and in particular Chaplain Peter Dawson who received a special award and honor from New York State Senator Catharine M. Young, for his fifty-five years of service as a member of the Lakewood Fire Department.
Mayor Birrittieri indicated that she has also received an update from Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC) and proceeded to report the progress that has been made thus far with the monies received through the NYS Community Development Block Grant (NYS CDBG). She said two home improvement projects are underway, another work contract has been signed and ready to go, two contracts are being processed and three other projects are out to bid. Mayor Birrittieri indicated that it is comforting to know that work to improve a number of residential properties in the community is moving forward. She also noted there are twelve properties currently on the waiting list, which prompts the idea to reapply for additional monies during the next round of funding.

Mayor Birrittieri asked everyone to spread the word about The Ledger, which is a new weekly community newspaper, adding it is a great way to get information out to the community. If residents have any story ideas they are encouraged to get in contact with the Village Clerk or the Mayor.

Mayor Birrittieri also reported that there will be a meeting of the Events & Marketing Committee, 6:30 PM, Tuesday, February 21, 2017.

Department of Public Works Supervisor Thomas R. Pilling reported that the D.P.W crew is performing maintenance on various equipment, as winter has taken a brief break. Mr. Pilling also reported that the new 2017 International Dump Truck is expected to be placed into service sometime very soon.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has handled one thousand two hundred fifty-two reportable incidents year-to-date and that the new body cameras have been placed into service. Chief Bentley also reported that the K-9 Unit’s dog, Miro, is back on staff after having chipped a tooth during a training session and subsequently underwent two root canals.

Chief Bentley then reported that earlier in the day he received bids for one (1) 2017 marked police patrol car and one (1) unmarked police patrol car and Dave Warren Chrysler-Dodge-Ram, Jamestown, N.Y., was the low bidder by $ 59.00. Chief Bentley indicated he has no preference of either the bid from Dave Warren or Fredonia Chrysler-Dodge, Fredonia, N.Y., however the owner of the Fredonia dealership is a Lakewood resident and its manager is a Town of Busti resident. Chief Bentley indicated that Dave Warren would still be required to do any warranty work on the vehicles.

Mayor Birrittieri then asked Chief Bentley a few car maintenance related questions and briefly discussed the value of the cars to be traded-in.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to eighty-six alarms year-to-date, forty of which occurred since the previous meeting of the Board of Trustees. Chief Hallberg also noted that nine of last the forty alarms were mutual aid calls. Chief Hallberg said the Lakewood Fire Department’s annual report for 2016 is completed and has been distributed to the Board of Trustees, who act as the Board of Fire Commissioners.

FEBRUARY 13, 2017 (CONTINUED)

Trustee McCague indicated to Chief Hallberg he had a couple of questions but the information contained in the LFD Annual Report answered them. Trustee McCague commended Chief Hallberg for the wonderful job on his department’s annual report.

Village Attorney John I. LaMancuso asked everyone to join him in welcoming Mr. Randall H. Perry,
Project Manager, from the Chautauqua Lake & Watershed Management Alliance and his colleague Ms. Erin Brickley, Executive Director. Mr. LaMancuso indicated Mr. Perry is in attendance this evening to briefly discuss the joint Village of Lakewood and Town of Busti Storm Water Management Grant and resolutions to be considered this evening by the Board of Trustees so as to get the process moving forward.

Mr. LaMancuso indicated it sounds as if the proposed easement agreement for Windstream Communications to make use of a portion of Marion Street has fallen through. Apparently Windstream Communications wasn’t able to strike a deal with National Grid in accessing adequate electric service at the north end of Marion Street and therefore they are looking at alternate sites nearby.

Village Clerk Joseph M. Johnson indicated Windstream Communications has shown some interest in the Dawson Street Right-of-way, which is one street west of Marion Street. Over the years however the Village of Lakewood has conveyed portions of Dawson Street to abutting property owners, with only a 25 ft. x 240 ft. section of the Dawson Street right-of-way remaining.

Village Treasurer Andrea J. Windoft reported that the Village of Lakewood recently received its quarterly sales tax revenue in the amount of $ 159,589.00 from Chautauqua County for the period of November, December and January, which was 6% less than the corresponding quarter last year. Mrs. Windoft said the Village of Lakewood also received a $ 2,500.00 incentive award from the New York State Energy Research & Development Authority (NYSERDA), for adopting the Unified Solar Permit. She recommended that this money be used to pay for installing the new Electric Vehicle (EV) stations. Treasurer Windoft also indicated she sent a memo to Richard E. Stanton, Esq., Buffalo, N.Y., requesting an invoice detailing his legal counsel services rendered to date.

COMMITTEE REPORTS

Trustee McCague, Comprehensive Plan Implementation Committee Chairman, reported he and the consultant from LaBella Associates, D.P.C., Buffalo, N.Y., have been discussing an opportunity to apply for a Technical Assistance Grant, maximum $ 20,000.00, which could lead to applying for a larger CFA grant, which would be earmarked for improvements to the Chautauqua Ave. business corridor. Mr. McCague said the Technical Assistance Grant requires matching funds in the amount of $ 1,500.00, plus a fee for the consultant to prepare and submit the grant application. The larger New York State Main Street Grant, which are valued at $ 200,000.00 to $ 400,000.00, would be used for façade and street scape improvements.

FEBRUARY 13, 2017 (CONTINUED)

When asked by Mayor Birrittieri about a timeframe, Mr. McCague said he would like to draft a Request for Proposal (RFP) and present it to the Village Attorney for his review and comment. Tonight he would like the Board of Trustees to consider adopting a resolution authorizing the Village of Lakewood to draft and advertise a Request for Proposal (RFP) for a consulting firm to submit a bid to prepare the grant application and conduct a “Main Street Study” of Chautauqua Ave.

Trustee McCague indicated to Mayor Birrittieri and the Board of Trustees that the Comprehensive Plan Implementation Committee continues to meet weekly. As the Board of Trustees liaison for the Tree Committee, Trustee McCague indicated he has attended two of their recent meetings. Mr. McCague
said he is pleased to report that the updated Tree Inventory and Urban Forestry Management Plan for the Village of Lakewood has recently been completed by Bruce E. Robinson, Inc., Jamestown, N.Y. The Tree Committee is also working with Mr. Bruce E. Robinson on a plan of action to address the stressed Linden trees along specific sections of Chautauqua Ave.

Trustee McCague said the Planning & Zoning Committee is also meeting weekly and making progress on determining some of the needed changes/amendments to the local zoning law.

Trustee Barnes, Building Committee Chairperson indicated Mr. Peter J. Radka, P.E., of Rock Hill Engineering, LLC, Panama, N.Y., has toured the Village Hall with Building Inspector Swanson and is expected to submit a written report detailing any issues that are facing this building. Trustee Barnes said if any of the issues facing this building are safety related, then they will need to be addressed.

Trustee Holcomb wished to take a minute to thank the Lakewood Fire Department for the invitation to its annual banquet and awards ceremony, which was attended by one hundred people. Trustee Holcomb said he was impressed by the number of responses over the course of a year by our dedicated volunteers and can’t imagine another fire department within Chautauqua County that provides this type of service. Mr. Holcomb said his thanks go out to each and every member of the Lakewood Fire Department.

Mayor Birrittieri and members of the Board of Trustees briefly discussed an e-mail received from a local parent expressing concerns about some issues she has with certain components of the kiddie playground at Richard O. Hartley Park.

D.P.W. Supervisor Thomas R. Pilling said he would be happy to troubleshoot those areas of the playground that the parent expressed concerns about.

DISCUSSION: JOINT STORM WATER MANAGEMENT GRANT

Mr. Randall H. Perry, Project Manager, representing the Chautauqua Lake & Watershed Management Alliance, appeared before Mayor Birrittieri and the Board of Trustees to briefly explain the Village of Lakewood’s role in moving forward with the joint Storm Water Management Grant.

FEBRUARY 13, 2017 (CONTINUED)

Mr. Perry indicated Executive Director Ms. Erin Brinkley couldn’t be here this evening because she is attending another municipal meeting. Mr. Perry indicated the Village of Lakewood is the primary grant applicant and contract holder with the NYS Department of Environmental Conservation and the Environmental Facilities Corporation, and was selected to receive up to $100,000.00. This grant will fund an inventory and assess the condition and capacity of existing storm water infrastructure and identify future improvement projects that would mitigate potential flooding and improve the quality of storm water that is being discharged into Chautauqua Lake from its tributaries. Mr. Perry then distributed a grant checklist to Mayor Birrittieri and members of the Board of Trustees for their review.

Tonight our primary focus is on three of the items on the checklist, which via resolutions will designate an authorized representative from the Village of Lakewood, approve SEQR Type II Action and to approve the appropriation of matching funds (20%), all relative to the Storm Water Management Study.

Village Attorney LaMancuso wanted to make it clear while the proposed resolution indicates the Village of Lakewood is responsible for appropriating $36,500.00 in matching funds, the County of
Chautauqua has already pledged $26,500.00, the Town of Busti has already pledged $5,000.00 as has the Village of Lakewood. Mr. LaMancuso said the Village of Lakewood will be collecting from Chautauqua County and the Town of Busti a total of $31,500.00. Mr. LaMancuso indicated he also concurs having the stormwater study itself being classified as a Type II action as it relates to the New York State Environmental Quality Review (SEQR) Act.

Ms. Erin Brickley, Executive Director, of the Chautauqua Lake & Watershed Management Alliance, indicated that she recently drafted a contract between Chautauqua County and the Village of Lakewood which clearly spells out Chautauqua County’s financial obligation concerning this grant.

RESOLUTION #18-2017 – ACCEPT POLICE CAR BID

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Village of Lakewood to accept the bid in the amount of $40,297.00, as submitted by Fredonia Chrysler-Dodge-Jeep-Ram, Fredonia, N.Y., which includes the trade-in of a 2011 Chevrolet Caprice (unmarked police patrol car) and a 2014 Dodge Charger (marked police patrol car). NOTE: The bid as accepted was $59.00 higher than the apparent low bidder, (Dave Warren Chrysler-Dodge-Jeep-Ram, Jamestown, N.Y.).

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

RESOLUTION #19-2017 – AUTHORIZE REQUEST FOR PROPOSAL (RFP)

Motion by Trustee Drago, seconded by Trustee Holcomb, authorizing members of the Comprehensive Plan Implementation Committee to draft a Request for Proposal, (RFP), to be reviewed by Village Attorney John I. LaMancuso, prior to it being approved at the next regular meeting of the Board of Trustees. This Request for Proposal (RFP) will seek bids from area consulting firms to prepare the Technical Assistance Grant application and conduct a “Main Street Study” of Chautauqua Ave.

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

RESOLUTION #20-2017 - DESIGNATE THE MAYOR AS THE AUTHORIZED REPRESENTATIVE RE: STORMWATER STUDY GRANT

Motion by Trustee McCague, seconded by Trustee Barnes, WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it but has been designated as an impaired water body, and its health and usability are threatened; and
WHEREAS, stormwater from the Village of Lakewood and Town of Busti flow directly into Chautauqua Lake, or into streams that flow into Chautauqua Lake; and

WHEREAS, the Village of Lakewood, the Town of Busti, the County of Chautauqua, and the Chautauqua Lake & Watershed Management Alliance have partnered for a Stormwater Management Engineering Study (Project); and

WHEREAS, the Village of Lakewood, as the primary grant applicant, recipient, and contract holder, was selected to receive up to $100,000 for a New York State (NYS) Department of Environmental Conservation (DEC) / Environmental Facilities Corporation (EFC) Wastewater Infrastructure Engineering Planning Grant (EPG), funded through the New York Clean Water State Revolving Fund program; and

WHEREAS, the Village of Lakewood has been awarded this EPG #68008 to support the Project and plans to retain the services of a licensed professional engineer to undertake a study that inventories and assesses the condition and capacity of existing stormwater infrastructure, defines surface drainage areas (catchment areas), and models nutrient loads, in order to identify viable future improvement projects that would mitigate potential flooding and have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the NYS EFC, as a condition of the Village of Lakewood receiving the grant funds, requires that the Village of Lakewood designate an Authorized Representative to execute the Engineering Planning Grant Agreement with the NYS EFC; therefore, be it

RESOLVED that the Mayor of the Village of Lakewood is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the Project and to fulfill the Village of Lakewood’s obligations under the Engineering Planning Grant Agreement.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #21-2017 – APPROVE SEQR TYPE II ACTION RE: STORMWATER STUDY GRANT

Motion by Trustee Holcomb, seconded by Trustee McCague,
WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it but has been designated as an impaired water body, and its health and usability are threatened; and

WHEREAS, stormwater from the Village of Lakewood and Town of Busti flow directly into Chautauqua Lake, or into streams that flow into Chautauqua Lake; and
WHEREAS, the Village of Lakewood, the Town of Busti, the County of Chautauqua, and the Chautauqua Lake & Watershed Management Alliance have partnered for a Stormwater Management Engineering Study (Project); and

WHEREAS, the Village of Lakewood, as the primary grant applicant, recipient, and contract holder, was selected to receive up to $100,000 for a New York State (NYS) Department of Environmental Conservation (DEC) / Environmental Facilities Corporation (EFC) Wastewater Infrastructure Engineering Planning Grant (EPG), funded through the New York Clean Water State Revolving Fund program; and

WHEREAS, the Village of Lakewood has been awarded this EPG #68008 to support the Project and plans to retain the services of a licensed professional engineer to undertake a study that inventories and assesses the condition and capacity of existing stormwater infrastructure, defines surface drainage areas (catchment areas), and models nutrient loads, in order to identify viable future improvement projects that would mitigate potential flooding and have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the NYS EFC, as a condition of the Village of Lakewood receiving the grant funds, requires that the Village of Lakewood evaluate and declare its findings or determinations regarding the proposed Project under the New York State Environmental Quality Review (SEQR) Act; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; therefore, be it

FEBRUARY 13, 2017 (CONTINUED)

RESOLVED that the Village Board of the Village of Lakewood, in the Town of Busti, in the County of Chautauqua hereby determines that the proposed Lakewood / Busti Stormwater Management Engineering Study, which constitutes the collection of basic data and research, and conduct of the concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning necessary to the formulation of a proposal for action is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18&21) and is therefore not subject to review under 6 NYCRR Part 617. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #22-2017 - APPROVE APPROPRIATION OF MATCHING FUNDS:
RE: STORMWATER STUDY GRANT

Motion by Trustee Barnes, seconded by Trustee McCague,
WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it but has been designated as an impaired water body, and its health and usability are threatened; and

WHEREAS, stormwater from the Village of Lakewood and Town of Busti flow directly into Chautauqua Lake, or into streams that flow into Chautauqua Lake; and
WHEREAS, the Village of Lakewood, as the primary grant applicant, recipient, and contract holder, was selected to receive up to $100,000 for a New York State (NYS) Department of Environmental Conservation (DEC) / Environmental Facilities Corporation (EFC) Wastewater Infrastructure Engineering Planning Grant (EPG), funded through the New York Clean Water State Revolving Fund program; and

WHEREAS, the Village of Lakewood has been awarded this EPG #68008 to support a Stormwater Management Engineering Study (Project) and plans to retain the services of a licensed professional engineer to undertake a study that inventories and assesses the condition and capacity of existing stormwater infrastructure, defines surface drainage areas (catchment areas), and models nutrient loads, in order to identify viable future improvement projects that would mitigate potential flooding and have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the Village of Lakewood, the Town of Busti, the County of Chautauqua, and the Chautauqua Lake & Watershed Management Alliance have partnered for this Project with an estimated total Project cost of $136,500; and

WHEREAS, the County of Chautauqua has already pledged $26,500 in local match in support of the Project via County Resolution No. 193-16; and

WHEREAS, the Town of Busti has already pledged $5,000 in local match in support of the Project via an adopted Town Resolution dated June 20, 2016; and

WHEREAS, the Village of Lakewood has already pledged $5,000 in local match in support of the Project via Village Resolution No. 109-2016; and

WHEREAS, the NYS EFC, as a condition of establishing a grant agreement between the Village of Lakewood and EFC, requires that the Village of Lakewood (as the sole contract holder with EFC) authorize and appropriate the entire amount of local matching funds required under the Engineering Planning Grant Agreement; therefore, be it

RESOLVED that the Village of Lakewood authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total grant award or total project cost, whichever is the lesser amount.

If the Project costs exceed the maximum grant award (as is currently anticipated) and the maximum grant award of $100,000 is applicable, the Village of Lakewood authorizes and appropriates a minimum local share of $20,000 in addition to the grant award, for a minimum Project total of $120,000. The maximum local share appropriated subject to any changes agreed to by the Mayor of the Village of Lakewood shall not exceed $36,500 based upon a total estimated maximum Project cost of $136,500 and current Project partner match commitment resolutions.

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

RESOLUTION #23-2017 – APPROVE INSURANCE BINDER

Motion by Trustee Barnes, seconded by Trustee Drago, for the Board of Trustees to approve an Insurance Binder/Coverage for Building Inspector Jeffrey A. Swanson when conducting asbestos
The cost of the insurance will be shared equally between the Town of Busti (50%) and the Village of Lakewood (50%).
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #24-2017 – AUTHORIZE FINAL EDITS OF THE COMPREHENSIVE PLAN

Motion by Trustee Holcomb, seconded by Trustee McCague, authorizing Ms. Eve Holberg, AICP, LaBella Associates, Buffalo, N.Y., to perform final edits of the Village of Lakewood’s Comprehensive Plan, provide ten (10) copies of the plan and adjust the plan’s matrix, at a cost not to exceed $ 1,000.00.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)
Motion by Trustee McCague, seconded by Trustee Drago, for the Village of Lakewood to accept the low bid of $1,650.00, as submitted by Michael D. Masters, L.L.S., Panama, New York, to provide a boundary and location survey plus a description of the land to be transferred (Charles L. Smith, et al to the Village of Lakewood) in connection with plans to establish a walking & bike trail along the southerly boundary of the Western New York & PA Railroad, between Lakeview Ave. east to Shadyside Ave.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

Motion by Trustee Holcomb, seconded by Trustee Drago and unanimously carried the Board adjourned at 7:54 PM.

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Joseph M. Johnson
Village Clerk