

APRIL 25, 2016

The eighth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, April 25, 2016 at 5:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo, Susan F. Drago, and Randy 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 Barnes, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held April 11, 2016.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated April 25, 2016 be approved and that the Clerk shall execute said abstract (#49) and direct payment by the Treasurer. General Fund: \$ 17,131.24, (Checks #12653 thru #12677)

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

#### REPORTS

Mayor Birrittieri reported that volunteers have been busy stuffing envelopes in connection with this year's 4<sup>th</sup> of July Summerfest fund raiser mailing which is expected to be sent out within the next week. In addition to the regular Summerfest activities, which this year will include a Kids Zone, there will be a VIP area at the Packard Estates property hosting players and families from the web.com PGA Tour, who are playing at Peek'n Peak Resort, July 7<sup>th</sup> - July 10<sup>th</sup>. The event will include golf trick shot artists, and YouTube sensations the Bryan Brothers. It all makes for a bigger and better Summerfest this year.

Mayor Birrittieri reminded residents that the one time brush pick-up by the DPW will begin Monday, May 2<sup>nd</sup>. Residents should place any brush and yard waste curbside no later than Sunday evening, May 1<sup>st</sup>. Following the annual brush pick-up residents are urged to make use of the prepared brush dump site on Packard Ave., which is open Monday thru Friday from 7:30 AM - 4:00 PM, and on Saturdays, from 8:00 AM - 12:00 noon. Mayor Birrittieri said there will be a press release and a block ad in the local newspaper later in the week, explaining the changes in the brush pick-up schedule.

Mayor Birrittieri indicated that she recently met with several Ohio Ave. residents who voiced their concern about the safety of their children and the devaluation of their properties in connection with things occurring on their street. The Lakewood-Busti Police Department has been called upon recently to respond to a number of incidents in the area. Residents have therefore asked their elected officials to intervene to bring about change. Mayor Birrittieri said about a week ago there was a report of an unresponsive/intoxicated

person laying on an Ohio Ave. sidewalk. She said the situation begs the question, "Is this the kind of image we as a community would like to see of our lovely Village of Lakewood?" "I think not".

Mayor Birrittieri said it is time to implement a comprehensive and multi-faceted "Action Plan" for Ohio Ave. and any other neighborhood that has declined over the years. As many residents can attest, these problems have persisted for years and corrective action will finally be taken as soon as possible. Mayor Birrittieri said she will direct the Village Attorney to draft two (2) new ordinances to combat these issues.

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The first measure will be a Nuisance Abatement (Local) Law which will allow the Village of Lakewood to take civil action against property owners who have repeatedly violated the local property maintenance law and NYS Building Codes.

Secondly, the Village of Lakewood will implement a Rental Registry, wherein absentee rental property owners will be required, by the Village of Lakewood, to register their property. Not unlike current NYS Laws, it will require the inspection of multiple dwellings, (three (3) dwelling units or more within a single structure) for fire safety and property maintenance compliance once every three (3) years.

Thirdly, consider hiring a full-time Code Enforcement Officer or part-time Code Enforcement Officer dedicated to property maintenance. Building Inspector/Code Enforcement Officer Jeffrey A. Swanson has done a commendable job the past two (2) years, however his responsibilities for both the Village of Lakewood and Town of Busti, essentially makes him a part-time employee. Having inherited a back-log of property maintenance issues, coupled with his other responsibilities, has made it difficult for Mr. Swanson to stay on top of property maintenance enforcement. With more aggressive property maintenance enforcement, the Village of Lakewood will realize dividends in the form of increased property values for everyone. Mayor Birrittieri said strict property maintenance is not only good for quality of life, but it is good for business as well. Given the current budget constraints, Mayor Birrittieri said the "Action Plan" will take time, and it is a goal of hers to find a way to finance it. In the meantime she has asked the Code Enforcement Officer to begin citing those property owners violating the local property maintenance law and to "post" those properties accordingly. Mayor Birrittieri said she will convene a meeting with Deputy Mayor David J. Di Salvo, Police Chief John R. Bentley and Building Inspector/Code Enforcement Officer Jeffrey A. Swanson to discuss the issues at hand and to put the "Action Plan" into motion.

Department of Public Works Supervisor Thomas R. Pilling reported, with the permission of Chautauqua Mall officials and help of Ecostratigies Engineering & Surveying, Falconer, N.Y., he would like to divert some of the storm water from the upland watershed, which currently flows along the west side of Mall Blvd., under Mall Blvd. into the drainage swale located along the mall's southerly property line. Doing so should alleviate the potential for flooding along the west side of Mall Blvd. and of the mall's parking lot. Mr. Pilling said the proposed drainage work and maintenance of the drainage swale in the future will likely require an easement agreement with the Chautauqua Mall.

Trustee Di Salvo asked Mr. Pilling if his upcoming budget can finance the

completion of the curbing and sidewalk project along the west side of Mall Blvd., south to the Village of Lakewood line.

Mr. Pilling said he would like to extend the curbing and sidewalk to the Aspire of WNY property, 140 Mall Blvd., this construction season. He also said there are plans to pave/"novachip" Mall Blvd. this year. The estimated cost to do both projects totals \$ 82,000.00, \$ 53,000.00 for the curbing and sidewalk, \$29,000.00 to pave/"novachip" Mall Blvd., which would be paid from the CHIPS funding received from New York State.

Trustee Di Salvo said the curbing and sidewalk project along the west side of Mall Blvd. begs to be completed and it will improve accessibility and safety for residents and visitors alike.

Mr. Pilling also reported that the road salt storage facility has recently been sided and re-roofed by the DPW crew. Also, he would like permission to spend the unexpended funds in the DPW's diesel fuel and unleaded gasoline accounts on some new playground equipment for Hartley Park. Mr. Pilling said he would be happy to meet with the Parks & Recreation Committee to discuss some ideas.

Mayor Birrittieri asked Mr. Pilling about some of the outdated playground equipment located in one or more of the parks.

Mr. Pilling said the older playground should probably be removed, however it is expensive to replace with something else.

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Mayor Birrittieri and Trustee Di Salvo said through some recent conversations with SWCS Superintendent Ms. Maureen Donahue, they have gotten the impression that the Southwestern Central School District is receptive to entering into an agreement with the Village of Lakewood regarding the idea of participating in a joint vehicle refueling facility.

Mr. Pilling completed his report saying the one seasonal Parks employee will begin working Monday, May 18, 2016.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to three thousand three hundred twenty-six reportable incidents year-to-date. Chief Bentley then indicated that Miro, the K-9 Officer, underwent surgery recently after chewing, swallowing and regurgitating a bandage that was protecting its paw. The K-9 Officer is expected to back on the job in a couple of weeks.

Chief Bentley said last Friday evening, the L-BPD responded to a motor vehicle accident on the Busti-Sugargrove Road, which resulted in a very serious personal injury. Also, earlier today the L-BPD worked with the NYS Police on a truck enforcement detail on West Fairmount Ave.

Trustee Di Salvo asked Chief Bentley for a list of calls, by address, that required a response by the L-BPD to incidents occurring on Ohio Ave. within the last year.

Mayor Birrittieri indicated to Chief Bentley a question has been raised about the speed of traffic along Chautauqua Ave., and asked if there is any chance to patrol that section of highway more frequently.

Chief Bentley said he he'll be glad get a list of Ohio Ave. calls to Trustee Di Salvo and ask officers to run some radar along Chautauqua Ave., per the request of Mayor Birrittieri. Chief Bentley said 30 mph is the lowest posted speed allowed across NYS, other than school zones.

Mr. Sam Whitmore, 34 Ohio Ave., asked if motorists are obligated to stop at cross walks.

Chief Bentley said yes, when people are crossing the street within a defined crosswalk, motorists must stop and yield the right of way to the pedestrians.

Mr. David Bargar, 11 Sunset Ave., suggested the Village of Lakewood better define the crosswalks along Chautauqua Ave., like was done recently in the Village of Bemus Point.

Mayor Birrittieri said improving the crosswalks along Chautauqua Ave. is something to talk about.

Mr. John Jablonski, III, 213 Spruce Street, suggested placing portable yield signs within the busy crosswalks on a seasonal basis, as is done in other communities.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to two hundred fifty-two alarms year-to-date, thirty-seven of which have occurred the past two weeks. Referring to the serious motor vehicle accident last Friday evening reported on by Chief Bentley, it became a real difficult extrication drill, using every tool at their disposal to free the victim from the vehicle.

Chief Hallberg also reported that the LFD has opened-up its burn building and conducted its first training session of the year. The LFD also held an "open house", Sunday, April 24<sup>th</sup>, in conjunction with the statewide fire fighter recruitment program. Chief Hallberg concluded his report by saying the new radio system for the Third Battalion, is being tested and should be going on line shortly.

Building Inspector Swanson indicated that two property maintenance issues he would like the Board of Trustees' assistance on are the manner in which abandoned buildings are boarded-up and secured and the use of tarps as porch enclosures and temporary roofing material. Currently there isn't anything on the books to enforce.

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Mr. Swanson said dealing with properties that have been foreclosed on are very difficult from an enforcement standpoint, in particular when dealing with an out-of-state financial institution.

Mr. Swanson asked for Mayor Birrittieri and the Board of Trustees to review the most recent foreclosure list provide by Chautauqua County, to determine if there are any properties that the Village of Lakewood might be interested in.

Trustee Di Salvo suggested that the Village of Lakewood should discuss their options with officials from the Chautauqua County Land Bank.

Village Attorney Wright said local municipalities are given the first opportunity to acquire properties that have been foreclosed on prior to them

going to public auction. Mr. Wright said if the property is going to be used for a public use that's all well and good, but if instead the stated purpose is to fix-up a dilapidated residential property for re-sale, he isn't sure that would be permitted.

Trustee Di Salvo suggested that the Village of Lakewood reach out to the Chautauqua County Land Bank for any assistance or expertise they could provide regarding these properties. He then asked Mr. Swanson about the fire damaged property on Clark Street

Building Inspector Swanson said he has contacted the owner, but because they are dealing with some health issues, he has given them more time to demolish the fire damaged structure. Mr. Swanson reminded residents if they wish to make a property maintenance related complaint, do so by completing a form at the Village Clerk's Office. If the matter ends up in Town Court there will be documentation on file. Completed complaint forms will also provide him some assistance in prioritizing the various property maintenance issues reported. Also, Mr. Swanson was happy to report that the asbestos condition in connection with the dilapidated property at 8 Olive Ave. has been abated and therefore it is now on schedule for demolition this spring.

#### COMMITTEE REPORTS

Mr. Richard Rose, 42 Gifford Ave. and Chairman of the Village of Lakewood Tree Committee, reported with assistance from Bruce E. Robinson and his crew, a number of trees were planted last Thursday, one of them being the Arbor Day Tree in Richard O. Hartley Park. Mr. Rose said an Arbor Day ceremony will be held at 10:00 AM, this Saturday, (April 30<sup>th</sup>), at Richard O. Hartley Park, which will include a brief talk by Mr. Bruce E. Robinson. Everyone one is invited.

#### RECESS

Motion by Trustee Drago, seconded by Trustee Holcomb, to recess the regular meeting of the Board of Trustees in order to conduct a previously scheduled public hearing.

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

PUBLIC HEARING: 6:40 PM

SPECIAL USE PERMIT

RE: LUXURY DOG KENNEL & DOG DAY CARE/SPA  
333 EAST FAIRMOUNT AVE.

Mr. Lee M. Lodestro, 2855 Girts Road, Jamestown, New York, has submitted an application for a Special

Use Permit regarding a proposal to redevelop the existing 8,040 sq. ft. commercial building (former Jim Boland's Goodyear), 333 East Fairmount Ave., into a luxury dog kennel, dog day care and dog grooming boutique. The building will also have a small retail sales area carrying high-end canine merchandise. APRIL 25, 2016 (CONTINUED)

In accordance with Section #25-14, (C-20), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law, establishing a kennel in this zoning district requires a special use permit.

Mayor Birrittieri indicated to Mr. & Mrs. Lodestro that the Planning Board had a few questions regarding drainage and signage.

Mr. Lodestro said he addressed any drainage questions with Building Inspector Swanson earlier this morning. Whether or not continued use of the existing pylon sign is "grandfathered" or not is an open question right now. Mr. Lodestro said he and his wife are hopeful to have their new business endeavor up and running in four months.

Trustee Di Salvo said he would like to hear from the Chairman of the Planning Board, Mr. Edward J. McCague on Mr. & Mrs. Lodestro's proposal.

Mr. McCague said the luxury kennel is an exciting and fantastic project for the Village of Lakewood adding Mr. & Mrs. Lodestro have been model applicants, providing everything required for the Planning Board's review.

Mr. Lodestro said the kennel and dog day care will be luxurious and as well as very sanitary. The main service area of the building, (3,250 sq. ft.), will be the day care section. The showroom and storage areas of the building will be the standard and luxury kennel areas along with the dog boutique and retail sales area.

Trustee Di Salvo asked Mr. Lodestro if the Planning Board had any issues with his proposal.

Planning Board Chairman McCague said there were no issues regarding Mr. Lodestro's application for a special use permit, however there will likely be questions when it comes to site plan review.

Mayor Birrittieri asked how many dogs will the kennel and dog day care handle.

Mrs. Lodestro said the maximum occupancy will be one hundred twenty dogs.

Mr. Lodestro indicated he and his wife plan on investing approximately \$ 900,000.00 on this project.

Trustee Drago said the extra green space that will be added in front of the building will be an attractive addition.

Mayor Birrittieri asked how many jobs will this new business create.

Mrs. Lodestro said the kennel & dog day care will create twelve full-time positions. Although there will not be employees on site around the clock, there will be a 24 hr. answering service in place. If after viewing their pooch via the closed circuit television system and if customers believe their dog might be in some sort of distress, they are welcome to call the answering service and someone will respond within twenty minutes.

Planning Board Chairman McCague indicated the previous site being proposed as a kennel on West Fairmount Ave. included nearby residential neighborhoods. This site has commercial property on three sides and the railroad right-of-way buffer on the fourth/north side.

APRIL 25, 2016 (CONTINUED)

RESOLUTION #62-2016 - APPROVE SPECIAL USE PERMIT APPLICATION

Motion by Trustee Drago, seconded by Trustee Barnes, for the Board of Trustees to approve a Special Use Permit application as submitted by Mr. Lee M. Lodestro, 2855 Girts Road, Jamestown, N.Y., whereby he will be allowed to redevelop the 8,040 sq. ft. commercial building and property at 333 East Fairmount Ave., which is located within the Highway Business (B-2) District, as a luxury dog kennel, dog day care and dog grooming boutique.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

ANYONE TO BE HEARD

Mr. Derek, Svenson, 12 East Terrace Ave., appeared before Mayor Birrittieri and the Board of Trustees, calling upon them to do something about property maintenance and code enforcement in the Village of Lakewood. Mr. Svenson said problem properties on Ohio Ave. are spreading onto Pennsylvania Ave. that are now having some negative impacts on the whole neighborhood. Mr. Svenson proceeded to hand a letter and four (4) complaint forms, regarding Ohio Ave. properties, to Building Inspector/Code Enforcement Officer Swanson for his review and follow-up. Mr. Svenson then shared some photos of the properties in question with Mayor Birrittieri and the Board of Trustees. Mr. Svenson said he is part of a growing group of residents who met with Village officials last evening to discuss these problems. The bottom line is we are fed-up with the conditions on Ohio Ave. and something has to be done. The area has become a place where we would rather not live in anymore. Most in the group of residents admitted last evening that if we could move out of the Village of Lakewood, we would in a heart beat. Unfortunately our houses wouldn't even sell, because anyone driving down Ohio Ave. to look at our homes, would immediately turn around and head in the opposite direction. Mr. Svenson said he and his neighbors are feeling very stuck and frustrated, while it appears the Village of Lakewood is ignoring code and property maintenance enforcement. There is no solution in sight. Property maintenance issues are growing like a cancer throughout the village. Mr. Svenson said he has filed complaint forms regarding 27 Ohio Ave., 29 Ohio Ave., and 31 Ohio Ave. (boarded-up former church), which in his opinion has been the root cause over the many years, why Ohio Ave. has transformed into what it is today. It would be wonderful if something could happen to the former church property, and soon. The problems need to be solved before they get worse.

Mayor Birrittieri said her initiative for the Village of Lakewood to adopt a Nuisance Abatement (Local) Law and a Rental Property Registry would be steps in the right direction.

Building Inspector Swanson suggested higher levels of government need to get involved to force lending institutions to manage the disposition of abandoned properties in a more timely fashion.

Trustee Di Salvo said legislation has been introduced in some areas to put liens on properties, in the form of chargebacks when the local municipality performs general property maintenance work. Unfortunately it is a nationwide problem.

Trustee Di Salvo said the Village of Lakewood has applied for and received over \$ 400,000.00 in CHRIC funding to assist owner occupied properties that are in need of repairs.

Trustee Di Salvo said what is really galling is when absentee rental property owners, who don't have to put up with some of the things the folks on Ohio Ave. are putting up with, "milk" the property and don't put any money back into it. Those are the folks the Village of Lakewood needs to bring into court to send a message to others in similar situations.

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Village Attorney Wright said his advice to the Board of Trustees the past three years has been if they wish to embark on a program forcing owners to bring their properties into compliance, the first step is to meet with both Town of Busti judges to make sure they are on board with the Village of Lakewood's planned property maintenance enforcement program.

Mr. A. Jackson Smith, 15 Sunset Ave., said regarding the former church rectory building at 32 Pennsylvania Ave., although the structure is good, no one with any sense is going to invest \$ 300,000.00 in the property. What is the discussion this evening really about? What needs to be done is to invest some money in putting the former church buildings into the ground.

Trustee Di Salvo said the property owner isn't probably motivated to sell the former church properties. One way to motivate her might be by strictly enforcing the NYS Building Codes and the Local Zoning Law. He then suggested that a letter be sent to Mrs. Darling asking what are her short term and long term intentions for the properties in question.

Building Inspector Swanson said he spoke with Mrs. Darling a couple weeks ago, who complained about the condition of nearby properties as the reasons she is unable to sell her properties. Mr. Swanson said he intends to start violation proceedings against her.

Mr. Svenson thanked Mayor Birrittieri and the Board of Trustees for their time this evening and said he and his family are very pleased with the other services provided by the Village of Lakewood, such as police, fire and the street department. He added, let's put the same emphasis on property maintenance in keeping the Village of Lakewood looking nice.

Mrs. Jane Gesing, 103 Lakeview Ave., said she has a vested interest in Ohio Ave., with her son, daughter-in-law and grandchildren residing at the corner of Ohio Ave. and East Summit St. In addition to what Mr. Svenson said the situation on Ohio Ave. is a safety issue for our kids and grandchildren. There are about twenty children, pre-school to teenagers living on the street. It isn't safe for kids to ride their bikes up and down the Ohio Ave. any longer.

Police Chief Bentley said people need to call and sign complaints if they see anyone doing anything illegal, adding he'll have the person arrested.

Former Lakewood-Busti Police Officer Steve Fardink, 140 Franklin Street, said people don't realize that crime from bigger metropolitan areas such as

Buffalo and Rochester has filtered down to the City of Jamestown, which has filtered out to West Ellicott, Celoron and now Lakewood.

Trustee Barnes said if people see something suspicious, please call the local police department so the incidents can be documented.

Mayor Birrittieri said it is a problem that needs immediately attention. We need to turn the problems around because there are no more excuses.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees in order to conduct a previously scheduled public hearing.

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

APRIL 25, 2016 (CONTINUED)

PUBLIC HEARING: 6:50 PM  
SPECIAL USE PERMIT - 6FT. FENCE  
142 EAST TERRACE AVE.

Mr. Gary Sagurney, 142 East Terrace Ave., has submitted an application for a Special Use Permit regarding a proposal to erect approximately 25 lineal feet of 6 ft. high privacy (stockade) fence along a portion of his southerly boundary line. In accordance with Section #25-50, (A. #2), [Fences; Walls], of the Village of Lakewood Zoning Law, any fence above four (4) feet in height shall require a special use permit.

Mayor Birrittieri asked Mr. Sagurney if he could briefly explain his proposal to extent a privacy fence.

Mr. Sagurney said last fall he purchased the small house and property at 144 East Terrace Ave. Since then he had the house demolished and has relocated fifteen hemlock trees along his new easterly boundary line. What he would like permission to do is relocate the sections of stockade fence that had been along his easterly boundary line extending the privacy fence along his southerly boundary line. Mr. Sagurney said his neighbors to his south have no problem with him extending the privacy fence.

Mr. Albert "Skid" Proctor, 120 Sunset Ave., said if the Village of Lakewood continues to allow 6 ft. stockade fences, whole neighborhoods will become fenced-in.

Mayor Birrittieri said although she prefers an open and fenceless community, in this case she isn't opposed to Mr. Sagurney's proposed fence extension.

Trustee Di Salvo said there has been some inconsistency in the review and approval of 6 ft. privacy fences and said he personally doesn't care for 6 ft. privacy fences, saying they are excessive. Of course in some cases there are extenuating circumstances and a real need for a 6 ft. privacy fence. Trustee Di Salvo said the Board of Trustees will need to take another look at

the local fence rules and regulations and come to some agreement as to what is acceptable in an urban village. By allowing 6 ft. privacy fences we are creating walls between neighbors.

Mrs. Sue Chandler, 207 West Summit Street, indicated Mr. & Mrs. Sagurney's property has always been beautifully landscaped and is a wonderful model on how a property should look.

RESOLUTION #63-2016 - APPROVE SPECIAL USE APPLICATION - RE: 6 FT. FENCE

Motion by Trustee Di Salvo, seconded by Trustee Drago, to grant/approve the Special Use Permit application as submitted by Mr. Gary Sagurney, 142 East Terrace Ave., whereby he will be allowed to relocate 25 lineal feet of 6 ft. stockade fence along a portion of his southerly boundary line and that it be erected in accordance with Section #25-50, [Fences; walls], of the Village of Lakewood Zoning Law.

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

RESOLUTION #64-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Holcomb, to set 6:15 PM, Monday, May 9, 2016, as the time and date for the Board of Trustees to conduct a public hearing on proposed Local Law #4-2016 - Siting of Wireless Telecommunications Facilities within the Village of Lakewood, New York.

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

APRIL 25, 2016 (CONTINUED)

RESOLUTION #65-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to set 6:30 PM, Monday, May 9, 2016, as the time and date to conduct a public hearing to consider increasing the fine schedule for parking violations, enforced by the Lakewood-Busti Police Department.

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

RESOLUTION #66-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Holcomb, to set 6:15 PM, Monday, May 23, 2016, as the time and date to conduct a public hearing on a Special Use Permit application, (6 ft. fence), as submitted by Mr. Tod Ingersoll, 285 Shadyside Ave.

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

RESOLUTION #67-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to set 6:40 PM, Monday, May 9, 2016, as the time and date to conduct a public hearing to consider amending Section #25-71, [Schedule of Fees], of the Village of

Lakewood Zoning Law.

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

ANYONE TO BE HEARD (CONTINUED)

Ms. Jamie Ceci, 32 Teddy Ave., corner of East Summit Street, appeared before Mayor Birrittieri and the Board of Trustees to voice her concerns about the traffic and constant activities going on at LaGrega Field across the street. Baseball is played every day of the week and on Saturdays games and/or practices start at 7:00 AM and go until dusk. Ms. Ceci said she gets trash and baseballs in her yard and suggested that specific hours be set when baseball can be played. Ms. Ceci said she would appreciate it if something could be done.

Mayor Birrittieri told Ms. Ceci that there is another baseball field under construction on the west side of Linwood Ave., but will be glad to get in touch with the baseball league to discuss how to better manage those using LaGrega Field. Mayor Birrittieri thanked Ms. Ceci for bringing this matter to her attention.

2016-2017 VILLAGE BUDGET DISCUSSION

Mayor Birrittieri indicated the original tentative budget for the fiscal year June 1, 2016 - May 31, 2017 was adjusted via a resolution at the last regular meeting of the Board of Trustees. Mayor Birrittieri said she didn't agree with many of the adjustments then and still doesn't, although some funding was replaced after being removed. Mayor Birrittieri said the proposed resolution adjusting a number of accounts was a surprise to her but chose not to suggest any additional budget amendments. She said the adjusted budget benefits just a couple of individuals while her tentative budget as presented benefited the entire community.

Trustee Drago said given the fact that everyone wanted to operate a public bathing beach again this year it was necessary to shift money around for that purpose. Also, having had a discussion with Mr. Rose and Treasurer Windoft, the Tree Committee will be receiving an additional \$ 1,000.00 in next year's budget.

Village Treasurer Windoft indicated the money for the lifeguards will be realized by the lower than expected bid received for the roof replacement project.

APRIL 25, 2016 (CONTINUED)

Trustee Di Salvo said he agreed with the Mayor's comments regarding the adjusted budget however wanted to go on record with respect to money spent on janitorial services for this building and the increased salary for legal services provided by the Village Attorney. Trustee Di Salvo said he believes cleaning this building three times per week is excessive and increasing the salary for the Village Attorney by 50% is also excessive. Trustee Di Salvo stated it is not always the money, there is also the principle involved, adding he will not voting in favor of this adjusted budget.

Mayor Birrittieri said she is bound and determined to remove the fence enclosing the beach area at Richard O. Hartley Park and is hopeful funding will become available to allow us to make some necessary improvements to the

park.

Mr. David Bargar, 11 Sunset Ave., asked how is the Village of Lakewood going to control the liability question if the public bathing becomes more accessible.

Mayor Birrittieri said the beach area would be posted accordingly, noting the hours of operation. She said it isn't necessary to have a fence enclosure to regulate those using the beach.

Village Attorney Wright said if and when the beach is open for swimming it will be necessary to have at least two certified lifeguards on duty.

Mr. A. Jackson Smith, asked the question why is the Village of Lakewood charging residents and taxpayers to swim at their own beach.

Trustee Di Salvo said what beach fees to charge is up for discussion and because we have charged so little in the past, it begs the question why charge anything at all.

Mrs. Kathie Anderson, 22 Waldemere Way, asked how much funding in the Village of Lakewood budget has been appropriated for the Lakewood Memorial Library.

Trustee Barnes said \$ 68,950.00 has been appropriated for the library which is \$ 4,000.00 more than what was appropriated last year.

Mr. John Jablonski, III, 213 Spruce Street, suggested looking at what the Village of Lakewood charges for using the beach because last year the lifeguard expenses were higher than beach pass revenue. The beach and beach house are wonderful assets and if it is free, it would be an economic boost for the community.

Mayor Birrittieri said some money can be saved by reducing the number of guards on duty, reducing the beach hours and shortening the beach season.

Department of Public Works Supervisor Pilling said if and when the beach house is open it should be manned to prevent any vandalism.

Trustee Barnes said this year's budget process has been very difficult and thanked everyone involved in putting it together. She said it is her opinion that this building needs to be cleaned three (3) times per week, having seen first-hand what takes place here on any given day. As far the increase in the annual salary in for Village Attorney Wright, he is a very experienced municipal attorney and is always there to answer the difficult legal questions on behalf of the Board of Trustees. If billed directly, his time and legal counsel would likely cost in excess of \$ 30,000.00/year. Trustee Barnes said the Board of Trustees is obligated to fund essential services, such as police, fire and street departments. She said the Board of Trustees hopes to be in a better financial position next year to provide more funding for everyone. She thanked everyone for their patience and understanding.

APRIL 25, 2016 (CONTINUED)

Mayor Birrittieri said she is pleased to have presented a budget that was under the mandated tax cap, although she disagreed with many of the eleventh hour budget adjustments.

RESOLUTION #68-2016 - APPROVE/AWARD ROOF REPLACEMENT BID

Motion by Trustee Holcomb, seconded by Trustee Di Salvo, to approve the roof replacement bid as submitted by Advanced Roofing, Inc., Bemus Point, New York, in the amount of \$ 22,650.00, as received at 3:00 PM, Friday, April 22, 2016, with the condition that any and all change orders be approved in advance. The project includes the replacement of two separate rubber membrane and stone ballast roofs on the Anthony C. Caprino Municipal Building.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #69-2016 - APPROVE 2016 DOCK PERMIT APPLICATIONS

Motion by Trustee Barnes, seconded by Trustee Drago, to approve the following 2016 dock permit applications as submitted by John Hickey, 147 West Summit Street, for the Gifford Ave. right-of-way and Dr. Albert Persia, 74 East Terrace Ave. for the Maple Ave. right-of-way.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #70-2016 - APPROVE NEW LFD MEMBER

Motion by Trustee Drago, seconded by Trustee Barnes, that the Board of Trustees acting as the Board of Fire Commissioners, approve Mr. Thomas Cocker, 91 Erie Street, as a new member of the Lakewood Volunteer Fire Company, Inc.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

Motion by Trustee Barnes, seconded by Trustee Drago, and unanimously carried the Board adjourned at  
8:01 PM.

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Joseph M. Johnson  
Village Clerk

