

JULY 11, 2016

The thirteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, July 11, 2016 at 6:30 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, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent was Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the minutes of the special meeting of the Board of Trustees, held June 20, 2016 and the last regular meeting of the Board of Trustees, held June 27, 2016.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

AUDIT OF CLAIMS

Motion by Trustee Di Salvo, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated June 27, 2016, be approved and that the Clerk shall execute said abstracts (#5, #6 & #7) and direct payment by the Treasurer. General Fund (End of Month): \$4,485.00, (Checks #12868 thru #12872), Trust & Agency Fund: \$ 63,442.46, (Checks #3794 thru #3806), General Fund: \$ 44,528.13, (Checks #12873 thru #12913)
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the contractor is finishing-up phase two of the curbing and sidewalk project along the west side of Mall Blvd. and the new playground equipment for Richard O. Hartley Park is being installed and should be in use by the end of the week. Mr. Pilling also indicated that due to the lack of funding, work to finish the new baseball field has been put on hold.

Mayor Birrittieri indicated the Village of Lakewood wasn't successful in acquiring a grant from Major League Baseball, which would have been put towards completing work on the new baseball field. She said the Village of Lakewood can't give up on this project, however we need to move forward in trying to complete the baseball diamond as soon as possible.

Trustee Di Salvo asked Mr. Pilling how much of the planned sidewalk repairs can be done this construction season and how much extra in CHIPS funding did the Village of Lakewood receive this year.

Mr. Pilling said unfortunately all the work cannot be done this construction season, however he does plan on replacing the retaining wall and sidewalk on East Terrace Ave., between New York Ave. and Lakeview Ave. Mr. Pilling said some of the funding was "rolled over" into this year for a total of approximately \$154,108.00, compared to the \$ 125,000.00 of available funding last year.

Mayor Birrittieri thanked Mr. Pilling and the entire DPW crew for the amazing job they did in cleaning-up the park and streets following this year's 4th of July Summerfest.

Police Chef John R. Bentley reported that the Lakewood-Busti Police Department has responded to five thousand seven hundred forty-three reportable incidents year-to-date and aside from a few minor incidents, the 4th of July went smoothly. Chief Bentley also reported that some area youths vandalized the screening on the outfield fence at Packard Field.

JULY 11, 2016 (CONTINUED)

Investigator Reed and Sgt. Spencer did a great job in arresting all three perpetrators. Because all three are juveniles, the matter will be referred to family court.

Chief Bentley then indicated the past two weekends members of the L-BPD participated on a homeland security detail wherein undercover officers would attempt to buy large quantities of certain bomb making materials from area retail stores, to determine if sales personnel had been trained to "red flag" these purchases. This worthwhile exercise however, received mixed results.

Chief Bentley also addressed the radio communication issues the L-BPD has been having, saying in switching back to the "old" system, has improved their radio coverage. Because upgrading the radio system is very expensive, we need to look at receiving some funding for it. He added the Chautauqua County Police Chief's Association plans on writing letters to our elected officials, namely Congressman Tom Reed, State Senator Cathy Young and State Assemblyman Andy Goodell, in an effort to secure some funding.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to four hundred twenty-five alarms year-to-date, twenty-seven of which occurred in the past two weeks. Chief Hallberg also reported that the new fire engine is expected to be delivered later this week.

COMMITTEE REPORTS

Trustee Holcomb, on behalf of the Board of Trustees wished to thank Historian Susan Lane and Elizabeth Dalton for the excellent job they did in having the museum open on the 4th of July.

Mayor Birrittieri said she would like to revisit the possibility of establishing a bridge over the creek that runs between the Wal-Mart plaza and the Chautauqua Mall.

Trustee Barnes said the citizens of the Village of Lakewood are extremely fortunate, saying we should all be thankful for our employees and those who serve the village. Events like the 4th of July wouldn't be possible without their year round service and dedication. Trustee Barnes thanked DPW Supervisor Pilling and his crew noting the DPW and what they do isn't recognized enough. Our quality of life here in Lakewood wouldn't be possible without the security and safety that is provided 24/7 by the Lakewood-Busti Police Department and members of the Lakewood Volunteer Fire Department.

Trustee Barnes said she intends to introduce a resolution this evening asking that Mayor Birrittieri and the Board of Trustees pen letters to Congressman Tom Reed, State Senator Catharine M. Young and State Assemblyman Andrew W.

Goodell, asking for funding for a new police radio system. Trustee Barnes said it is imperative that officers can communicate with dispatchers and vice versa.

Trustee Barnes concluded her report that members of the Public Safety Committee will be meeting soon with members of the Lakewood Fire Department to discuss the subject of paid hospital transport service.

Mr. Ted McCague, Chairman of the Comprehensive Plan Steering Committee said he has reached out to Mayor Birrittieri and the Board of Trustees to suggest a time when to present them with the Comprehensive Plan as developed by Peter J. Smith & Company, Inc., Buffalo, N.Y. Upon review of the comprehensive plan by the Mayor and Board of Trustees the next step will be the adoption process, which will take three to four months.

Mayor Birrittieri said the 4th of July Summerfest came together very well thanks to the help of our many volunteers. There was steady traffic all day long, beginning with the races in the morning through the fireworks at 10:00 PM. Mayor Birrittieri said the VIP donations topped-out at over \$ 6,000.00, noting the VIP area was a hit, thanks to golf trick artist George Bryan, of "The Bryan Brothers".

JULY 11, 2016 (CONTINUED)

Also, the Chautauqua Lake Community Sailing Foundation had its best "open house" yet, with over seventy people taking part in free sailboat rides between noon and 4:00 PM. Some of those participating reported they had never been on the lake before. The Mayor said that is what community sailing is all about.

Vendors lined Chautauqua Ave., the "Kids Zone" was a hub of activity and the "Lakewood on Wheels" bike parade was great. All in all it was a great day for the Village of Lakewood, thanks to everyone who helped in making the 2016 4th of July Summerfest a success. Mayor Birrittieri said we are still in the process of putting together the final expense & revenue report.

Mayor Birrittieri indicated that "Live on the Lake" summer concerts begin this Thursday with the group Black Rock Zydeco kicking off the series. New this year will be the addition of two food vendors.

Mayor Birrittieri said now that that the 4th of July Summerfest is behind us, she wants to move forward in trying to organize a Lakewood Merchants Association.

Mayor Birrittieri then wished to thank the Chautauqua County Department of Public Facilities for the repairs they have made to the crumbling bridge abutments on East Terrace Ave. It looks great.

With tragic things happening across our nation, like the event in Dallas where five police officers were killed, we need to stop and think about our local police officers and be thankful for each and every one of them for putting their lives on the line for us every day they put on their uniform. Unfortunately bad things can happen anywhere.

ANYONE TO BE HEARD

Mr. David G. Bargar, 11 Sunset Ave., wanted to speak to about the out of state landlord issue and asked if the Village of Lakewood could speak to the people who are empowered to change the current laws dealing with this subject so there could be some recourse. Mr. Bargar said we shouldn't have to put up with out of state landlords who allow their properties to become blighted. This problem needs to be looked into.

Trustee Di Salvo indicated that he has researched a Nuisance Abatement Law that is in place in the Village of Newark, New York, population 10,000, and said it has been a very effective tool in combating property maintenance issues.

Mr. Ted McCague, 12 Park Lane, asked if there had been any court cases supporting this Nuisance Abatement Law.

Trustee Di Salvo said there was a law suit brought against the Village of Newark, however the NYS Supreme Court upheld their local law.

Ms. Ellen Connell, 33 Sunset Ave., asked how long do property owners have to make improvements to their homes. She said it is disappointing to see projects stall for long periods of time before they are completed. Ms. Connell said she believes people delay in completing their projects to avoid having their property fully assessed.

Trustee Di Salvo indicated to Ms. Connell that the Village of Lakewood follows the NYS Property Maintenance Code, however we do have the option to adopt a more stringent/restrictive code. Mr. Di Salvo said the Village of Lakewood is looking at adopting additional legislation when it comes to addressing different property maintenance concerns.

JULY 11, 2016 (CONTINUED)

Ms. Connell then asked what happened to the Lenna family sign that was on the clock tower, which was recently replaced by a Lakewood sign. She thought it was disrespectful in removing their name from the clock tower.

Trustee Di Salvo indicated that last year there was action by this Board, with assistance from the Lakewood Community Development Corporation, who agreed, along with the Lenna Foundation, to have a large rock with a plaque placed in Recognition Park honoring Mr. & Mrs. Lenna and others for their contributions towards the Chautauqua Ave. reconstruction project.

When a question regarding work sessions was raised by Mr. Duane F. Anderson, 115 W. Terrace Ave., Mayor Birrittieri said she favored starting the regular meetings at 6:00 PM, and conduct work sessions as needed. She said some members of the Board of Trustees would like them reinstated and to be honest having them on an as needed basis could be confusing to the public.

Mr. David G. Bargar said he believes good government is good communication and was upset when they were discontinued. He strongly encouraged Mayor Birrittieri and the Board of Trustees to consider reinstating the work sessions, if for nothing else, to improve communication between the members of the board. Mr. Bargar also asked that e-mail addresses for the Mayor and members of the Board of Trustees could be made available to improve the communication link with residents.

Mr. Lou Drago, 9 Brook St., indicated from his experience as a former school board member and county legislator, in his opinion work sessions are vital. Concerning e-mail addresses, he would not want his wife's personal e-mail address to be made public. However, there should be a mainstream e-mail address for our elected officials made available through the Village of Lakewood.

RESOLUTION #121-2016 - RE-SET TIMES FOR BOARD MEETINGS & WORK SESSIONS

Motion by Trustee Holcomb, seconded by Trustee Di Salvo, to amend Resolution #4-2016, dated January 11, 2016, by setting 6:30 PM, as the time to conduct Village of Lakewood Board of Trustee meetings, on the second and fourth Mondays of each month and to reinstate the practice of conducting work sessions at 6:00 PM, one half hour prior to the start time of the regularly scheduled meetings.

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

RESOLUTION #122-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Di Salvo, to set 6:40 PM, Monday, August 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing to consider amending Section #25-71, [Schedule of Fees], of the Village of Lakewood Zoning.

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

RESOLUTION #123-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to set 6:45 PM, Monday, August 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing to consider amending the Village Code, with respect to Parking Fees & Fines.

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

JULY 11, 2016 (CONTINUED)

RESOLUTION #124-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Holcomb, to set 6:50 PM, Monday, August 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing to consider adding one (1) alternate to the current five (5) member Planning Board.

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

RESOLUTION #125-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Holcomb, to set 6:55 PM, Monday, August 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing to consider adding one (1) alternate to the current

five (5) member Zoning Board of Appeals.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #126-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to set 7:00 PM, Monday, August 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing to consider a local law drafted by Trustee Di Salvo, which establishes a set of rules regarding the management and removal of brush & yard waste for residents to follow.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #127-2016 - AUTHORIZE TREASURER TO CREATE A NEW ACCOUNT

Motion by Trustee Barnes, seconded by Trustee Di Salvo, authorizing Village Treasurer Andre J. Windoft to create a new account for the \$ 8,500.00 escrow payment made to the Village of Lakewood by Up State Tower, LLC, Bethesda, Maryland.
Adopted: \$ ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #128-2016 - APPOINT ADDITIONAL LIFEGUARD

Motion by Trustee Holcomb, seconded by Trustee Barnes, to appoint Matthew Marsh, Bemus Point, N.Y., as a Lifeguard for the 2016 beach season, per the recommendation of Village Clerk Joseph M. Johnson.
Mr. Marsh will be compensated at a rate of \$ 9.00/hr.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #129-2016 - AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Di Salvo, seconded by Trustee Barnes, authorizing "Kallie's Krusade" to use village streets (East Summit Street & East Terrace Ave.) as the route for a Run/Walk fundraiser to be held at 10:30 AM, Monday, September 5, 2016 (Labor Day). The event will start and finish at the Lakewood Rod & Gun Club.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

JULY 11, 2016 (CONTINUED)

RESOLUTION #130-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Holcomb, to set 6:40 PM, July 25, 2016, as the time and date for the Board of Trustees to conduct a public hearing on the Site Plan Review application as submitted by Mr. & Mrs. Lee M. Lodestro regarding their proposal to convert the former Goodyear store at 333 East Fairmount Ave. into Happy Hounds Hotel & Day Spa kennel and doggie day care.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #131-2016 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to set 7:05 PM, August 22, 2016, as the time and date for the Board of Trustees to conduct a public hearing on the Site Plan Review application as submitted by Ms. Michele Richards, 10 Norwood Ave., Jamestown, N.Y., regarding her proposal to convert the former Page's Motel, 180 East Fairmount Ave., into the Chautauqua Hill Crest Inn, having ten (10) guest rooms.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #132-2016 - APPROVE STOP-DWI AGREEMENT

Motion by Trustee Barnes, seconded by Trustee Di Salvo, to approve the STOP-DWI Agreement between the County of Chautauqua and the Village of Lakewood and to authorize Mayor Birrittieri to execute same. The term of the contract is for the calendar year 2016.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #133-2016 - AUTHORIZE LETTER REQUESTING FUNDING

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Mayor Birrittieri to write and send separate letters to Congressman Tom Reed, NYS Senator Catharine M. Young, and NYS Assemblyman Andrew W. Goodell, asking for financial assistance to purchase a new and improved radio system for local law enforcement agencies.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 7:52 PM.

Joseph M. Johnson
Village Clerk