

OCTOBER 24, 2016

The twentieth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, October 24, 2016, 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, and Fire Chief Kurt W. Hallberg. Absent were Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling, 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 October 11, 2016. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### AUDIT OF CLAIMS

Motion by Trustee Di Salvo, seconded by Trustee Holcomb, that the claims as audited by the Auditing Committee of the abstracts dated October 24, 2016, be approved and that the Clerk shall execute said abstracts (#21 & #22) and direct payment by the Treasurer. Trust & Agency Fund: \$ 55,468.37, (Checks #3901 thru #3911), General Fund: \$ 33,928.15, (Checks #13176 thru #13216) Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### REPORTS

Mayor Birrittieri indicated this fall's Lakewood newsletter will be mailed to the residents later this week which includes information on Trick or Treat hours, leaf pick-up, winter parking regulations and Christmas in the Village. She added, informational fliers on Christmas in the Village and vendor registration forms are available on line and at the Village Clerk's Office.

Mayor Birrittieri said thanks to the efforts of Building Inspector Jeff Swanson things are slowing improving with respect to property maintenance and building safety issues at a couple of residential properties located on Ohio Ave.

Mayor Birrittieri said she recently received a note from two young village residents who voiced their concern about having to ride their bicycles in the street because some sections of public sidewalks are obstructed by trees and hedges. Mayor Birrittieri said a letter was sent to the property owner where this obstruction is occurring, asking for him to trim back his hedge making the full width of the sidewalk accessible to pedestrians and bicyclists. Mayor Birrittieri said this is not the only section of public sidewalk that is obstructed by hedges and trees that have become overgrown.

Mayor Birrittieri asked residents to be aware of the milling, paving and sidewalk project that is underway on Rt. 394. She said the project is expected to continue through the month of November.

Fire Chief Hallberg reported the Lakewood Volunteer Fire Department has responded to seven hundred thirty-five alarms year-to-date, thirty-nine of

which occurred since the last meeting. Chief Hallberg said the LFD spent five hours October 18<sup>th</sup> battling a stubborn fire at the Cummins Engine Plant. The fire broke-out in an engine test cell then spread into the interior walls and insulation. Chief Hallberg said Cummins Engine Plant employees emptied twenty-six fire extinguishers in an attempt to put out the fire before the LFD arrived at the scene. He also noted that the thermal camera was instrumental in locating "hot spots" enabling crews to extinguish them. Also, two plant employees were treated at the scene for chest pains. Chief Hallberg thanked the volunteer fire departments from Ashville, Busti, Celoron and Panama for their assistance at the scene.

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On the EMS side, Chief Hallberg reported that an unresponsive individual was revived and that the heroin antidote Narcan, was administered to another person.

Mayor Birrittieri thanked Chief Hallberg, the LFD and the other area fire departments that provided mutual aid at the scene for all their hard work at the Cummins Engine Plant fire.

Village Treasurer Andrea J. Windoft reported that she in receipt of the Town of Busti's Tentative Budget for 2017, if the Mayor or member of the Board of Trustees would care to review it.

#### ANYONE TO BE HEARD

Trustee Holcomb asked what might be the follow-up measures if the property owner, that was notified about his overgrown hedge, doesn't see to it that it is trimmed back.

Village Clerk Johnson indicated the last time this particular property owner was notified about his hedge that was obstructing a length of public sidewalk, he complied with the request from the Village of Lakewood to trim it back. One hopes he do the same this time around. Concerning an obstructed length of sidewalk on Vista Way, Village Clerk Johnson said it is going to take more than a letter from his office to address that particular matter.

Mr. David G. Bargar, 11 Sunset Ave., wished to thank the Village of Lakewood for their efforts to improve accessibility to obstructed public sidewalks and for the lengths of newly improved sidewalks throughout the Village of Lakewood.

In changing subjects, Mr. Barger asked if the Village of Lakewood, in particular Building Inspector Jeff Swanson, is getting support from the Town of Busti Court judges Geary and Hajdu, when property maintenance and building code matters end up in town court.

Mayor Birrittieri indicated that Village Attorney LaMancuso and Building Inspector Swanson have met and discussed what Mr. Swanson is up against when it comes to enforcement. She said other than the couple properties on Ohio Ave., the residential property at 126 East Fairmount Ave. is another public eyesore that needs to be addressed. Mayor Birrittieri said Mr. Swanson encourages residents to file complaint forms to report substandard properties, so a file on property in question can be developed.

Trustee Di Salvo indicated while a complaint form isn't required or necessary

for Ms. Swanson to enforce the zoning law, it would be helpful for him to have some ammunition if a matter ends up in court, so a property owner can't claim the Building Inspector is targeting their property.

Ms. Myra V. Blasius, 19 Owana Way, said there were discussions previously about the property at 31 Ohio Ave., and wondered if anything is being done about the former church property.

Mayor Birrittieri said Building Inspector Swanson and the property's owner, Ms. Carol Darling, have discussed some minor fix-ups or repairs that are necessary. At one time some individuals were looking at the property, but Mayor Birrittieri said she isn't aware of any new interest in it.

Trustee Di Salvo indicated that contractors have been in and out and have done some minor work on the building. However, the work that Building Inspector Swanson and this board asked to be done a few years back, hasn't yet been done. The work involved removing the plywood over the windows which should only be used as a temporary enclosure. At this point we are well beyond temporary.

OCTOBER 24, 2016 (CONTINUED)

Mayor Birrittieri indicated the public hearing that was scheduled for 6:45 PM this evening has been postponed. Originally the Board of Trustees was going to review action taken by the Zoning Board of Appeals at their meeting last Thursday, (October 20, 2016). They were to review an application for a Use Variance, as submitted by Up State Tower, LLC and co-applicant Buffalo-Lake Erie Wireless Systems, (Blue Wireless), regarding their proposal to erect a 180 ft. tall wireless telecommunications facility on Lakewood Fire Company, Inc. owned property, near the southerly terminus of Glenwood Ave.

The Zoning Board of Appeals decided to table any recommendation to the Board of Trustees, due to the fact that more technical information, that had previously been requested, was submitted that evening by the applicant. It was the posture of the Zoning Board of Appeals that they would need additional time to digest the newly submitted information, prior to making an informed recommendation to the Board of Trustees. It was noted by Mayor Birrittieri that the applicant did verbally agree to give the Village of Lakewood extra time to review the newly submitted information.

Mayor Birrittieri said residents are welcome to submit written comments on this proposed wireless telecommunications facility at the Village Clerk's Office.

Mayor Birrittieri said it is likely the Board of Trustees will set the time and date for a future public hearing on this matter at their next regular meeting to be held Monday, November 14, 2016.

RESOLUTION #192-2016 - APPROVE USE OF VILLAGE STREETS

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing the Lakewood Family YMCA to make use of Village of Lakewood streets as the route

for the 16<sup>th</sup> annual Amy King Memorial 5K Race & Walk, to be held at 11:00 AM, Saturday, November 26, 2016.

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

RESOLUTION #193-2016 - APPROVE USE OF VILLAGE STREETS

Motion by Trustee Di Salvo, seconded by Trustee Barnes, authorizing the Chautauqua Striders, Jamestown, N.Y., to make use of Village of Lakewood streets on which to conduct their 2017 Winter 5K Series. The individual races are scheduled for January 7<sup>th</sup>, January 14<sup>th</sup>, January 28<sup>th</sup>, February 4<sup>th</sup> and February 18<sup>th</sup>.

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 6:56 PM.

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Joseph M. Johnson  
Village Clerk