

DECEMBER 11, 2017

The twenty-third regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, December 11, 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, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson. Absent was Village Attorney John I. LaMancuso.

#### APPROVAL OF MINUTES

Motion by Trustee McCague, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held November 27, 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 abstracts dated December 11, 2017, be approved and that the Clerk shall execute said abstracts (#27 & #28) and direct payment by the Treasurer. Trust & Agency Fund: \$ 71,920.43, (Checks #4279 thru #4299), General Fund: \$ 364,801.81, (Checks #14330 thru #14381) NOTE: Check #14286 was destroyed and replaced with check #`14329. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

#### REPORTS

Mayor Birrittieri was pleased to report that the annual Christmas in the Village event which was held this past Saturday, December 9<sup>th</sup>, was a huge success. The vendor areas included the Lakewood Memorial Library and a large tent and building at the former Wilson Farms site where visitors enjoyed shopping as well as being treated to free hot chocolate and cookies. Mayor Birrittieri indicated Santa arrived and was available for photo opportunities with children and families. There was Dancer the reindeer who entertained little ones and horse drawn trolley rides throughout the afternoon. The day was capped-off with Christmas carols and a tree lighting ceremony at Recognition Park.

Mayor Birrittieri said the event would not have been possible without the generous support of our sponsors, namely Shults Auto Group, Matco Tools, Jamestown Awning, Hopes Windows, Benderson Capital, Century 21 Turner Brokers, Larry Spacc Auto Resale, Jamestown Mattress, H & R Block, Group Ther-Happy, Larson Orthodontics and Events by Scott. She added the Events & Marketing Committee did a fantastic job with organizing the Christmas in the Village event, with special thanks going out to Committee Chairman Scott Mekus, and committee members Marge Basile Johnson, Karen Dennerlein and David Card. Mayor Birrittieri also thanked Board of Trustee members Ellen Barnes, Ted McCague and Randy Holcomb for volunteering their time and talents during the day. Other volunteers included the Christmas Carolers from the Lakewood Baptist Church.

Mayor Birrittieri said she would also like to thank the Lakewood Fire

Department for delivering Santa, the Lakewood-Busti Police Department for their contributions and Department of Public Works Supervisor and his crew for performing a true Christmas miracle in turning the dark, dank shell of the former Wilson Farms building into bright comfortable festive space.

Mayor Birrittieri then took a moment to announce the Christmas lighting contest winners. First Place Residential: Jon Winchester, 910 Hunt Road, Honorable Mention: Dennis Scotty, 156 Lakeview Ave., First Place Commercial: Craft Burgers & Brews, 60 Chautauqua Ave., Honorable Mention: Priceless Studios Photography, 122 Chautauqua Ave.

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Mayor Birrittieri then thanked Mary Currie, Andrea Windoft and Joe Johnson for their time and energy in helping with this wonderful annual event and noted the next meeting of the Events & Marketing Committee will be held Tuesday, January 16<sup>th</sup>.

Mayor Birrittieri then wished to thank outgoing Trustee Susan F. Drago for her many years of dedicated public service to the Village of Lakewood, whose term will end December 31<sup>st</sup>. Mrs. Drago was appointed as a Village Trustee June 1, 2011 by former Mayor David T. Wordelmann. Former Mayor Wordelmann then proceeded to appoint Mrs. Drago as the first female Deputy Mayor of the Village of Lakewood April 8, 2013 while serving in that capacity until January 1, 2017.

Upon the completion of her current term, Trustee Drago will have served the community for six and a half years which included time as the Board of Trustees' liaison to the Lakewood Memorial Library, plus serving on several committees notably the Auditing Committee, Buildings Committee, Parks & Recreation Committee and the Streets & Sidewalks Committee.

Mayor Birrittieri commended Mrs. Drago for her public service and is hopeful, as she moves on to whatever comes next in her life, she will encourage more people to get involved with their community and local government. Mayor Birrittieri said she would be remiss not to point out that for the past two years women have made up the majority of the Board of Trustees and encouraged other women to step-up to carry the Village of Lakewood forward in the future.

Members of the Board of Trustees, Department Heads and those in attendance then joined Mayor Birrittieri in giving Trustee Drago a well deserved round of applause.

Department of Public Works Supervisor Thomas R. Pilling indicated he recently talked with Southwestern Central School Superintendent Ms. Maureen Donahue, who indicated that news about the grant for the shared fuel dispensing facility should be announced Wednesday, December 13<sup>th</sup>. Mr. Pilling indicated Ms. Donahue said although the chances of receiving the grant funding appear to be favorable, the awarding of grants at the state level can be very political.

Mayor Birrittieri thanked Mr. Pilling and the entire D.P.W. crew for all they did in making this year's Christmas in the Village event a huge success.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled eight thousand nine hundred twenty-two incidents year-to-date, three hundred thirty-two of which occurred in the past two weeks.

Chief Bentley indicated officers have been busy with holiday related law enforcement activities and reported that the K-9 Officer and K-9 Miro, recently assisted the Jamestown Police Department in apprehending a burglary suspect.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to seven hundred ninety alarms year-to-date, thirty-seven of which occurred in the past two weeks. Chief Hallberg indicated that although most the alarms the past two weeks have been for Emergency Medical Service (EMS), the LFD responded to a motor vehicle accident on Rt. 394 this past Saturday evening. Chief Hallberg completed his report by saying the annual inspection and servicing of the fire trucks has been completed along with inspection and servicing of the firefighter's air-packs.

Mayor Birrittieri said she had heard that the LFD is assisting the Celoron Fire Department with their emergency medical service calls.

Chief Hallberg indicated to Mayor Birrittieri what she heard is correct due to the fact that the Celoron Fire Department's ambulance is currently out of service. Chief Hallberg said the LFD assists only when Allstar Ambulance Service is not available.

DECEMBER 11, 2017 (CONTINUED)

Trustee McCague indicated the Village of Lakewood recently received information on the NYS Volunteer Firefighter Enhanced Cancer Disability Act., which was signed into law by Governor Cuomo on October 22, 2017, but doesn't take effect until January 1, 2019. He respectfully asked Village Treasurer Windoft to make a note of that when it comes time to discuss and prepare the Village Budget.

Building Inspector Jeff Swanson reported that he attended a New York State Conference of Mayors & Municipal Officials sponsored training seminar on Distressed & Abandoned Properties (aka Zombie Properties) in Batavia, New York on November 28<sup>th</sup>. Mr. Swanson said he is hopeful to get a list of local properties that fall into that category sometime after the first of the year.

Mr. Swanson also reported that the demolition of the two commercial buildings at 386 & 390 East Fairmount Ave., making way for the construction of the 6,700 sq. ft. Aspen Dental and Five Star Urgent Care facility, has been delayed while the property owner and developer work out the language of an easement agreement as it relates to the access road from Southwestern Drive to the project site.

Mr. Swanson concluded his report saying the LUV Toyota remodel at 215 East Fairmount Ave. is nearing completion and that work on the new Hyundai dealership at 181 East Fairmount Ave. is moving forward.

RESOLUTION #175-2017 - ADOPT LOCAL LAW #2-1017, AMENDING LOCAL LAW #7-2016

Motion by Trustee Barnes, seconded by Trustee McCague, for the Board of Trustees to adopt Local Law #2, amending Local Law #7-2016. Local Law Title: Appointment of Two Alternate Members to the Zoning Board of Appeals, Be it enacted by the Board of Trustees of the Village of Lakewood as follows:  
SECTION 1: Local Law #7-2016 is hereby amended as follows: Pursuant to

Village Law 7-712 (11), two alternate member positions of the Zoning Board of Appeals are hereby created. Said alternate members shall be appointed by the Mayor and approved by the Board of Trustees, for a term approved by the Board of Trustees. The Chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a regular member of the Zoning Board of Appeals when such regular member is unable to participate in the Zoning Board of Appeals business because of a conflict of interest or any other reason. When so designated, said alternate member shall possess all the powers and responsibilities of a regular member. Any such designations shall be entered into the minutes of any Zoning Board of Appeals meeting at which a designation is made. All provisions contained in Village Law relating to required training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to such alternate members. To the extent this local law is inconsistent with Section 7-712 of the Village Law of the State of New York, said Village Law is hereby amended. This local law shall take effect upon filing with the Secretary of State of the State of New York.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #176-2017-AUTHORIZE PAYMENT OF NYS RETIREMENT SYSTEM CONTRIBUTIONS

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to remit the Village of Lakewood's annual New York State Retirement System contributions which are due December 15<sup>th</sup> as follows: Employees' Retirement System: \$ 82,069.00, Police & Fire Retirement System: \$ 193,886.00 via ACH, (Automated Clearing House).  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

DECEMBER 11, 2017 (CONTINUED)

RESOLUTION #177-2017 - AUTHORIZE TRANSFER OF FUNDS

Motion by Trustee McCague, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 8,117.00 from Account A1990.40, [Contingent Account], to Account A9010.80, [Employees' Retirement Benefits], due to an incorrect contribution projection.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #178-2017 - CANCELLATION OF NEXT REGULAR MEETING

Motion by Trustee Holcomb, seconded by Trustee Drago, for the Board of Trustees to cancel its next regular meeting of the Board of Trustees which is scheduled for Monday, December 25<sup>th</sup>, (Christmas Day) and to reconvene next at the Annual Organizational Meeting, to be held Monday, January 8, 2018, and to authorize the Auditing Committee to approve any and all outstanding bills or claims to be paid by the end of the calendar year.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #179-2017 - APPROVE PROCLAMATION

Motion by Trustee Barnes, seconded by Trustee Drago, per the recommendation of Mayor Birrittieri, and at the request of Ms. Susan Grelick, Secretary of the Town of Amherst Bicentennial Committee, for the Board of Trustees to approve and submit to Ms. Grelick, a proclamation commemorating the Town of Amherst, New York's 200<sup>th</sup> Anniversary.

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

#### RECESS

Motion by Trustee McCague, seconded by Trustee Holcomb, to recess the regular meeting of the Board of Trustees at 6:50 PM, so as to enter into executive session to discuss ongoing litigation.

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

#### EXECUTIVE SESSION

Present at the executive session were Mayor Cara Birrittieri, Trustee Edward J. McCague, Trustee Susan F. Drago, Trustee Ellen E. Barnes, Trustee Randall G. Holcomb and Village Clerk Joseph M. Johnson.

Motion by Trustee McCague, seconded by Trustee Holcomb, to adjourn the executive session at 7:00 PM.

Motion by Trustee Barnes, seconded by Trustee McCague, and unanimously carried, the Board adjourned at 7:01 PM.

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Joseph M. Johnson  
Village Clerk