

JUNE 13, 2016

The eleventh regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 13, 2016 at 6:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, David Di Salvo, Susan F. Drago and Randall G. Holcomb. Also present were Deputy Village Clerk Mary B. Currie, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Fire Chief Kurt W. Hallberg and Department of Public Works Supervisor Thomas R. Pilling. Absent were and Village Clerk Joseph M. Johnson 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 May 23, 2016.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### AUDIT OF CLAIMS

Motion by Trustee Holcomb, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated June 13, 2016, be approved and that the Clerk shall execute said abstracts, Old Year (# 55, #56), and direct payment by the Treasurer. General Fund: \$ 68,558.09, (Checks #12761 thru #12812), Trust & Agency Fund: \$53,540.35, (Check#3750 thru Check#3765). New Year (#1, #2), General Fund: \$ 92,748.41 (Checks 12813 thru 12829), Trust & Agency Fund: \$58,637.14 (Checks #3767 thru #3778)

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### REPORTS

Mayor Birrittieri reported that the 4<sup>th</sup> of July festivities are coming along nicely, the posters that can be seen around the village were donated and turned out very nice. A newsletter will be sent out soon which will include a schedule of events for the Summerfest, a Live on the Lake summer concert schedule and a letter from the Tree Committee. The newsletters will be sent out through bulk mailing and will be going out to all the Village of Lakewood residents. The work on the Patio, in front of the gazebo at Hartley Park, has begun and should be completed soon, she thinks it will look really nice and like it has always been there.

Department of Public Works Supervisor Thomas R. Pilling reported that the pad at Harley Park was going to be poured on Thursday but with the weather forecasting rain it will be put on hold until the next dry day. Chautauqua County will be paving W. Summit Street in the morning so he advised people to take another route if possible. Mr. Pilling also reported that the Air Conditioning unit in the Police Department is on the fritz, the village had sent out for quotes and the lowest bidder was Johnson-Whitmeyer Plumbing Heating & Cooling Co. It is Mr. Pilling's recommendation to award the job to Johnson-Whitmeyer.

Trustee David Di Salvo ask Mr. Pilling where the money would be coming from to make those repairs.

Village Treasurer Andrea J. Windoft said it will be paid for from the 2015-2016 Contingent Fund which has \$10,000 left in it. The quote submitted by Johnson-Whitmeyer was \$ 9,985.00 so that will pay for it and then wipe it out.

Trustee Barnes asked if you carry the contingents when there is money left.

Ms. Windoft said no, any money left would then go back into the General Fund.

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Mr. Pilling asked Mayor Birrittieri if she mentioned the change in brush-up in the newsletter, he feels there are lot of people who still don't realize the village is no longer picking brush up monthly.

Mr. Pilling reported that some of the new playground equipment has arrived, they will wait until after the 4<sup>th</sup> of July to install it. He had also gotten a phone call from one of the local Locksmiths wanting to know if it was ok to make duplicate keys for the Beach house, apparently one of the committee members had come in wanting duplicate keys made from a key that said "Do Not Duplicate". He talked to the person and agreed to have only one key made. Mr. Pilling feels that all committee members should check with the Board of Trustees or the Department Heads before going ahead doing what they would like to do. Mr. Pilling also reported that Ryan Patti Concrete Excavating, LLC was the only bidder for the Mall Blvd. Sidewalk Project at \$ 62,975.00. Ryan Patti Concrete also had done the previous sidewalk project on Mall Blvd.

Mr. Di Salvo asked what Mr. Pilling has on his schedule for sidewalk repairs this summer.

Mr. Pilling said he has just begun to compile one.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to four thousand eight hundred twenty six reportable incidents year-to-date. Chief Bentley also reported officers assisted the Lakewood Fire Department on a call for a 17 year old girl who overdosed on W. Summit Street. They administered Narcon and saved her life. He commended Sergeant Jeff Spencer, Investigator Jarrett Reed and Patrolman Carl Caprino on solving a big grand larceny case on logging equipment in the Town of Busti and will be making an arrest. A seizure proceeding has begun within the last 2 weeks, along with the Southern Tier Regional Drug Task Force, on a house on Southland Ave. where there was a drug bust from about 1-1/2 ago. Once that house is sold the Department should get 40% of the sale.

Trustee Di Salvo ask Chief Bentley if things had quieted down on Ohio Ave.

Chief Bentley said they had a little bit and that they have made some arrests.

Mr. Di Salvo thanked him for sending patrol cars down there a little more often, thinks they have helped.

Trustee Sue Drago asked Chief Bentley what was going on with the radios.

Chief Bentley explained that Lakewood along with City of Jamestown, City of Dunkirk and Village of Fredonia have complied with what is called Phase 1 of the narrow banding of the radio system. Now the Sheriff has decided to go to Phase 2. For right now Busti Fire Department has let us use 3 of their Phase 2 radios. For us to get to Phase 2 it would be very expensive and unfortunately there aren't any grants right now for Police.

Trustee Barnes asked Chief Bentley if he could get together some figures on how much it will cost for new radios, she is concerned that not having radios that have good connection with the county 911 system or with other officers is an Officer Safety Issue.

Mayor Birrittieri asked Chief to please get some estimates so we can keep our officers safe.

Mr. Di Salvo wondered if it would help if the Board of Trustees were to send a formal letter, by resolution, to the County or the Sheriff's Dept.

Mr. PJ Wendel, County Legislator, thought that if a letter came from the board it would help. He went on

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to explain that the radio system was purchased as a Road System which means they are meant to be used on the road, it doesn't have the penetration abilities for inside large buildings.

Fire Chief Kurt W. Hallberg reported the Lakewood Fire Department has responded to three hundred sixty three reportable calls year-to-date. Chief Hallberg also reported that The State Chief Show is this week in Verona, New York and the new Ambulance is being displayed at the show then will be here after that. The Pumper engine should be here on Wednesday.

Trustee Di Salvo asked Chief Hallberg where they are with billing for EMS services and wondered if the board could get progress reports so they can become familiarize with the issues and status of it.

Chief Hallberg said they have several options that the committee is looking at so they are still talking.

Trustee Di Salvo wondered what exactly the penalty fee is for the pumper.

Village Treasurer Andrea Windoft said we are expected to receive \$12,450.00 rebate for the penalty clause, the reason for that amount is because the Fire Department put in 2 change orders within the dates so the company wouldn't be held responsible for 15 days of the delay. Ms. Windoft would like to take that rebate money and set it aside in the Trust & Agency Fund, along with the current balance of \$37,000 from the sale of the Medic, that would give us just shy of \$ 50,000.00 to reduce our BAN for the Ambulance and the Truck.

Ms. Windoft also reported that the Ambulance delivery date was moved up by a few month which has prompted her to send out requests for quotes to the banks for their rates. She has asked for quotes to be in by June 23, 2016 and for the closing to be July 1, 2016. She included in the quote request the amount to cover the ambulance and the dump truck, making the total \$311,000.00, the portion of which would be for the truck, would sit in the Capital Fund until the truck gets delivered.

Ms. Windoft recommended that the Village Board of Trustees consider drafting a simple agreement between the Village of Lakewood and the Lakewood Memorial Library as far as making any appropriations to them, this is something that has never been done and should be.

Trustee Randall Holcomb asked if there was any news on 9-1/2 Clark Street.

Trustee Di Salvo said he had talked to Building Inspector Jeff Swanson this afternoon and he said that the house should to be demolished by the end of the month, he is also hoping 8 Olive Ave. will be down around the same time. Mr. Swanson had given Mr. Di Salvo a property violation sign that the City of Jamestown uses and would like to order 10-15 of them for the Village to use, he would like a resolution to be able to begin using them.

#### ANYONE TO BE HEARD

Town of Busti Supervisor Jesse Robbins appeared before Mayor Birrittieri and the Board of Trustees to respond to an e-mail generated from the Citizens for Better Government and recent correspondence received from the Village of Lakewood relative to the Township's audit findings.

Mr. Ray Ayers, 124 E. Terrace Ave. asked when the milling project on 394 would be starting.

Streets Supervisor Thomas Pilling said as far as he knew it would be late summer.

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Mr. Louis Drago, 9 Brook Street, wondered why Attorney Edward “Tad” Wright was no longer the attorney for the Village of Lakewood and why would the village want to hire an attorney from out of town or even the county when we have a great group of Attorneys that live here in the village.

Mayor Birrittieri said nothing has been decided about who the Attorney for the Village of Lakewood will be, right now we have a pending lawsuit which we have to deal with immediately and Mr. Stanton is an expert on Municipal Law and Land Use.

Dr. Rudolph Mueller, 7 Sunset Ave., had just 2 questions, does the Village Board still want to meet with the Town of Busti and would the Board of Trustees be interested in having a recreation program in the village that would include people from outside the village?

Mayor Birrittieri told Dr. Mueller she would be all for a rec. program but there is no longer a budget for it and that she would love to get together with the Town of Busti and believes everyone here would too. There was much discussion about the future of a possible Recreation/Community Center within the Village of Lakewood for use by town & village residents.

#### OLD BUSINESS

#### RESOLUTION #88-2016 – PURCHASE A NEW DUMP TRUCK AND INCLUDE ON BAN

Motion by Trustee Di Salvo, seconded by Trustee Holcomb to approve the purchase and the financing of the Dump Truck and include it on the BAN for the Fire Department Ambulance for total of \$ 311,350.00. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### RESOLUTION #89-2016 REDUCTION OF THE BAN BY \$ 50,000.00

Motion by Trustee Barnes, seconded by Trustee Drago to approve the reduction of the BAN Principal by \$ 50,000.00 by incorporating the sale of the Medic and the penalty clause rebate combined. The BAN will be for the new DPW Dump Truck and the Fire Department Ambulance. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### RESOLUTION #90-2016 APPROVE SPECIAL MEETING

Motion by Trustee Holcomb, seconded by Trustee Barnes to approve a Special Meeting and Public Hearing on Monday, June 20, 2016 at 6:00 PM to hear from the public, discuss and approve following State Environmental Quality Review (SEQR) for the Village of Lakewood Local Law #4-2016, regarding the Siting of Wireless Telecommunications Facilities with the Village of Lakewood. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

#### RESOLUTION #91-2016 – TABLE ADDITION OF ALTERNATES TO THE PLANNING & ZONING BOARDS

Motion by Trustee Drago, seconded by Trustee Barnes to table any action on adding alternates to the Planning Board and Zoning Board of Appeals until the Trustees have more time to look into the need for alternates. Adopted: 3 ayes, 1 nays (Barnes, Drago, Holcomb) (Di Salvo)

Mayor Birrittieri was wanting to revisit the addition of alternates, Trustee Holcomb thought he would be in favor of add 1 but not 2.

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RESOLUTION #92-2016 – APPROVAL OF RETAINING RICHARD E. STANTON, ESQ.

Motion by Trustee Barnes, seconded by Trustee Di Salvo to approve retaining Law Offices of Richard E. Stanton to provide legal counsel in defense of Upstate Tower vs. The Village Board of the Village of Lakewood, index #2016-434, only, and authorize Mayor Birrittieri to sign said contract approving retainer fee in the amount of \$ 3,500.00

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

RESOLUTION #93-2016 – INCREASE NON-UNION PERSONNEL WAGES

Motion by Trustee Holcomb, seconded by Trustee Barnes to approve the increase of non-union personnel wages by 3%, retroactive to June 1, 2016 as budgeted and increase the Fire Chief's Inspection Officer annual salary from \$ 2,000.00 to \$ 4,500.00. Part time Parks laborer rate is \$ 10.00/hr.

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

RESOLUTION #94-2016 – ESTABLISH A NEW FULL-TIME POLICE OFFICER POSITION

Motion by Trustee Drago, seconded by Trustee Di Salvo to establish a new full-time Police Officer Position, and authorize Chief Bentley to hire one (1) full-time officer and fill one (1) part-time position, leaving three (3) part-time positions open.

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

RESOLUTION #95-2016 APPROVE 3 YEAR CLEANING CONTRACT

Motion by Trustee Holcomb, seconded by Trustee Barnes to approve a three (3) year cleaning contract with Southwestern General Maintenance, Lakewood, N.Y., for the cleaning of the A.C. Caprino Municipal Building and Fire Station three (3) times per week, including emergency call-ins.

Adopted: 3 ayes, 1 nays (Barnes, Drago, Holcomb) (Di Salvo)

RESOLUTION #96-2016 APPOINTMENT OF LIFEGUARDS FOR 2016 BEACH SEASON

Motion by Trustee Di Salvo, seconded by Trustee Holcomb to appoint Gabriella Hoose at \$ 9.25/hour and Jillian Lawton at \$ 9.00/hour as lifeguards for the 2016 Swimming Season at Richard O. Hartley Park & Beach per the recommendation of Village Clerk Joseph M. Johnson.

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

RESOLUTION #97-2016 IMPROVEMENT TO THE CONCRETE BRIDGE ON CHAUT. CO. #110

Motion by Trustee Holcomb, seconded by Trustee Barnes to have Chautauqua County fix and keep the historical nature in design, to the concrete bridge abutments on East Terrace Ave. (Chautauqua County Highway #110).

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

RESOLUTION #98-2016 SET TIME & DATE FOR PUBLIC HEARING 31 NEW YORK AVE.

Motion by Trustee Di Salvo, seconded by Trustee Barnes to set the date and time to conduct a public hearing on Special Use Permit Application for a 6' fence at 31 New York Avenue (Westerberg) for June 27, 2016, at 6:20 PM.

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

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RESOLUTION #99-2016 ACCEPT BID FOR THE ROOF TOP AIR CONDITIONING UNIT

Motion by Trustee Holcomb, seconded by Trustee Barnes to accept the bid of \$ 9,891.00 from Johnson-Whitmeyer Plumbing for the roof top Air Conditioning Unit.

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

RESOLUTION #100-2016 ACCEPT BID FOR THE MALL BLVD. CURBING & SIDEWALK PROJECT

Motion by Trustee Barnes, seconded by Trustee Drago to accept the bid for the Mall Blvd. curbing & sidewalk project to Ryan Patti Concrete Excavating, LLC for the project total of \$ 62,975.00. (\$ 36,100.00, curbing & \$ 26,875.00, sidewalk).

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

RESOLUTION #101-2016 AUTHORIZE 12 CODE ENFORCEMENT SIGNS TO USE FOR HOUSE IN CODE VIOLATIONS

Motion by Trustee Di Salvo, seconded by Trustee Barnes to authorize the Code Enforcement Officer to purchase 12 signs to be used for houses that are in violation of building code at his own discretion.

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

RESOLUTION #102-2016 SET BEACH HOURS AND FEE SCHEDULE

Motion by Trustee Di Salvo, Seconded by Trustee Holcomb to set the date & hours at the Richard O. Hartley Park beach for the 2016 summer season. The beach will open for the season on June 24, 2016 and closed on September 5, 2016, it will be open Wednesdays thru Sundays from noon – 5:00 PM. The Daily rates will be \$1.00 for Village of Lakewood residents and \$ 4.00 for non-residents. The season tags will be \$ 2.00 for Village of Lakewood residents and \$ 10.00 for non-residents.

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

Motion by Trustee Barnes, second by Trustee Holcomb, and unanimously carried the Board adjourned at 8:50PM

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Mary B. Currie  
Deputy Village Clerk