

MARCH 13, 2017

The fifth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, March 13, 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, Village Attorney John I. LaMancuso and Department of Public Works Supervisor Thomas R. Pilling. Absent were Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson.

#### 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 February 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 abstract dated February 13, 2017, be approved and that the Clerk shall execute said abstracts (#41 & #42) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,478.69, (Checks #4039 thru #4048), General Fund: \$ 70,672.35, (Checks #13564 thru #13603) Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

#### REPORTS

Mayor Birrittieri began her report by announcing the Village of Lakewood's Live on the Lake concert/entertainment schedule for the summer of 2017. It begins on the 4<sup>th</sup> of July with the band Two for Flinching, known as one of the region's best retro-pop band, Bogarts, a country/rock band is scheduled for July 13<sup>th</sup>, followed by The Untouchables, a rhythm and blues band, July 20<sup>th</sup>. Jackson Rohm, a local favorite and an SWCS graduate, will perform July 27<sup>th</sup> and the Kokomo Time Band, which hails from Fredonia, playing tropical flavored oldies, is scheduled for August 3<sup>rd</sup>. Rounding out the concert/entertainment schedule is Kids Night, August 10<sup>th</sup> featuring Marty's Bubblegum Machine and the Geoff Bach Juggling Show. The 2017 summer concert/entertainment schedule will be advertised and copies will be made available throughout the Village.

Mayor Birrittieri also reported that Southern Tier West will again be sponsoring a Local Government Conference to be held at Houghton College, Houghton, N.Y., Wednesday, May 10<sup>th</sup> from 7:30 AM to 3:30 PM. The conference includes sessions on Capital Planning, Budgeting, Zombie Homes, Ethics and Grant Writing. Mayor Birrittieri said the conference affords elected and appointed municipal officials a great opportunity to get up to speed on the latest trends in local government.

Mayor Birrittieri said during her brief tenure she has been actively pursuing various ways to bring the community together and market Lakewood in a positive way. She began by first forming an Events & Marketing Committee, putting the Village of Lakewood on facebook, expanding local events and bringing back successfully the Christmas in the Village celebration. Mayor

Birrittieri said she convinced the publisher of the seasonal weekly paper The Villager, to also produce a weekly publication focusing on Lakewood and surrounding areas throughout the year. She also noted that the 2017 Chautauqua County Travel Guide will include two ads, one featuring Lakewood and the other in the form of an advertisement for the 4<sup>th</sup> of July Summerfest and Live on the Lake concert series. Mayor Birrittieri thanked the Local Community Development Corporation, (LCDC), and the YMCA who both contributed towards the funding for one of the ads.

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In an effort to bring local business owner together, Mayor Birrittieri said she has reached out to Mr. Todd Trantum, CEO of the Chautauqua County Chamber of Commerce, and discussed with him the possibility of creating a Lakewood Community Chamber of Commerce.

Another meeting with Mr. Trantum is in the works and she is hopeful that Lakewood will be able to form its own Community Chamber of Commerce under the umbrella of the Chautauqua County Chamber of Commerce. Mayor Birrittieri said a local Chamber of Commerce will bring business owners together and provide a link between the local business community and the Village of Lakewood.

Mayor Birrittieri said she would like to provide an update on the new A-Turf Baseball field currently under construction. Firstly, the new field has been added to the Village of Lakewood's insurance policy. Mayor Birrittieri said she and members of the Southwestern Area Sports Association recently attended a Town of Busti Council meeting. At that meeting she asked the Town Board to consider a donation of ten thousand dollars towards the purchase of the outfield fence and backstop, which has been estimated to cost in the neighborhood of \$ 30,000.00. Although they opted to step back from a gift of \$ 10,000.00, they did agree to approve a donation of \$ 5,000.00 towards the fencing. Mayor Birrittieri said she would like to publically thank members of the Busti Town Board for their generosity and support of this project. She then noted that the Village of Lakewood has been supporting this project from day one and have provided tens of thousands of dollars in in-kind services via the work of D.P.W. Supervisor Thomas R. Pilling and his staff. With the installation of the new fence, backstop and pitcher's mound, plus some landscaping Fireman's Field will be ready to play on.

Although Department of Public Works Supervisor Thomas R. Pilling did not have a report this evening, with snow in the forecast, Mayor Birrittieri asked him how is his budget holding up with respect to snow removal.

Mr. Pilling said it is going to be close, but snow removal and ice control expenses should be under budget.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has handled two thousand ten reportable incidents year-to-date, and indicated he is in the process of trying to solicit funding for the L-BPD K-9 Unit. He also reported that Miro, the K-9 dog, recently passed a recent test and has been recertified.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes 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, Drago, Holcomb, McCague)

PUBLIC HEARING: 6:40 PM  
SPECIAL USE PERMIT - 6 FT. FENCE  
216 LAUREL STREET

Mr. David Schillace, 216 Laurel Street, has submitted an application for a Special Use Permit regarding his proposal to erect eighty (80) lineal feet of 6 ft. vinyl fence along a section of his northerly boundary line. In accordance with Section #25-51, (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 indicated Mr. Schillace's special permit application was reviewed by the Planning Board at their last regular meeting held Wednesday, February 15, 2017, where it received a favorable recommendation.

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Mayor Birrittieri then asked Mr. Schillace if he would like to briefly explain his fence proposal.

Mr. Schillace indicated his original plan was to run a 6 ft. fence along a section of his northerly boundary line, however he has had second thoughts and wondered if he would have to start the application process over if he were to enclose his patio instead.

Mayor Birrittieri told Mr. Schillace if his fence plan were to change he would have to reapply for a special use permit.

Trustee Drago asked Mr. Schillace if he has agreed to installing 48 lineal feet of 6 ft. high vinyl fence instead of 80 lineal feet.

Mr. Schillace answered that's correct, instead of extending the 6 ft. fence all the way towards the Laurel Street, the last two 8 ft. sections will be 4 ft. high instead of 6 ft.

Trustee McCague asked Mr. Schillace what is the reason for the fence and did he consider a natural barrier, such as trees or a hedge row, because the fence as proposed doesn't act as an enclosure.

Mr. Schillace said the main reason is for privacy and to keep his neighbor's dogs out of sight from his dog, adding he didn't think a natural barrier would work in this case.

With no more questions, Mayor Birrittieri closed the public hearing at 6:43 PM, and proceeded to reopen the regular meeting of the Board of Trustees.

RESOLUTION #36-2017 - APPROVE/GRANT SPECIAL USE PERMIT - 6 FT. FENCE

Motion by Trustee Holcomb, seconded by Trustee Drago, to approve/grant Mr. Schillace's application for a Special Use Permit, whereby he will be allowed to erect forty-eight (48) lineal feet of 6 ft. high vinyl fence along a section of his northerly boundary line in accordance with Section #25-51,

[Fences, Walls], of the Village of Lakewood Zoning Law.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

#### REPORTS (CONTINUED)

Village Attorney John I. LaMancuso indicated he researched a question posed to him by Village Clerk Johnson in connection with the rights of a property owner in dealing with limbs or branches from a tree on an adjoining piece of property that hang over the common boundary line. This question apparently surfaced in the wake of the recent wind storm. Mr. LaMancuso indicated that the State of New York allows for what is called a "Self Help" rule which allows a property owner to trim any branches from a tree or bush on an adjoining piece of property at the property line. Mr. LaMancuso said it would be prudent for the property owner to reach out to his or her neighbor and advise them of their intentions when doing so.

Trustee McCague asked Mr. LaManuso, while that example is property owner to property owner, what if a tree or limb considered dangerous, is hanging over a public right-of-way from private property.

Mr. LaMancuso said the same rule would apply, however it would be wise for the municipality to contact the property owner or better yet conduct a public hearing on the matter before it went onto private property to eliminate a potentially dangerous situation.

For what it is worth, Mr. Douglas Hoisington, former arborist for the City of Jamestown said he and his crews when faced with the situation such as the one expressed in Trustee McCague's question, followed the rule explained by Mr. LaMancuso.

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Village Attorney LaMancuso also reported he has been in contact with Samuel P. Price, Jr., Esq., who represents Mr. Edward Papke and Mr. Frank A. Piacenta, owner of 519 East Terrace Ave., who has shown an interest in Village of Lakewood owned property which abuts the property at the above address.

Mr. Price said his client is agreeable to the sale price of \$ 5,000.00, however he asked if the Village of Lakewood would be willing to incur the costs to have the parcel of land, to be conveyed, surveyed.

Mayor Birrittieri said she would like to review and give some extra thought to the condition to sell and covey the subject property as expressed by Mr. Price.

Village Attorney LaMancuso said Mayor Birrittieri and the Board of Trustees might wish to consider conducting a public hearing on this matter before making a decision.

In conclusion Mr. LaMancuso said he would like to go into executive session following tonight's meeting to update the Board of Trustees on current litigation involving the Village of Lakewood.

#### COMMITTEE REPORTS

Trustee Holcomb indicated because the Village of Lakewood has been recognized

as a Clean Energy Community by the New York State Research & Development Authority (NYSERDA) and has been awarded a \$ 100,000.00 grant, there is going to be a whole new series of applications that will need to be completed and submitted for each category. With assistance from Trustee Barnes, Trustee Holcomb said he will be happy to volunteer to carry out the necessary paperwork.

Trustee Barnes said she has been working with representatives from National Grid on the conversion of the street lighting and that a contractor was called in to provide an estimate to replace some of the windows in this building.

Trustee McCague indicated that Ms. Eve Holberg, Consultant from LaBella Associates, D.P.C., Buffalo, N.Y., who is working with the Village of Lakewood on the zoning code re-write, indicated that there might be components of the zoning law revision that may be eligible for funding through the Clean Energy Community (NYSERDA) grant.

#### 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, Drago, Holcomb, McCague)

#### PUBLIC HEARING: 6:50 PM PROPERTY PURCHASE REQUEST

Mr. Jeffrey K. Storrs, 31.5 Gerald Ave., has submitted a request to the Board of Trustees asking for them to consider selling him two small parcels of Village of Lakewood owned property located off East Summit Street, between Gerald Ave. and Olive Ave., which abut his property at the above address.

Mayor Birrittieri opened the public hearing asked for Mr. Storrs to briefly explain to the Board of Trustees his interest in these two parcels and the reasons why he would like to acquire them.

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Mr. Storrs indicated that the one parcel is a 15 ft. wide strip of land that abuts his property to the north. Acquiring this parcel would obviously provide more and much better access to his shed. Because it would require a piece of equipment to access his shed on the north side of his house he would need the entire length rather than split the parcel with his neighbor at 31 Gerald Ave. Because Mr. Gerald Day has shown some interest in the other triangular piece of property off Olive Ave., there might be some changes on how that parcel might be split up. Mr. Storrs then shared a few photos of the subject properties with members of the Board of Trustees.

Mr. Joseph Welch, 16.5 Olive Ave., appeared before Mayor Birrittieri and the Board of Trustees and indicated he first moved into 16.5 Olive Ave. as a renter back in 1991 and has been maintaining the property since. Mr. Welch

said his late father subsequently purchased the property from Mr. Thomas A. Turner. He said when the property was surveyed by Mr. Daniel Barry, L.L.S., part of the triangular piece of property off Olive Ave. that Mr. Storrs is interested in purchasing, belongs with the property known as 16.5 Olive Ave. Mr. Welch said this needs to be straightened out, plus he should also have a chance to acquire part of that parcel off Olive Ave. In closing Mr. Welch said he would be opposed to the Village of Lakewood selling the entire parcel to Mr. Storrs.

Trustee McCague asked Mr. Welch if he has any paperwork or the deed to verify the ownership of the property that goes with 16.5 Olive Ave. Any information he has would be helpful.

Mayor Birrittieri agreed with Trustee McCague saying any information that Mr. Welch can provide would be most helpful. She then thanked Mr. Welch for bringing that information to the Board of Trustees' attention.

Mrs. Teresa Day, 16 Olive Ave., indicated she and her husband tried to purchase the property Mr. Storrs is interested in thirty-four years ago.

Mrs. Day said former Mayor Anthony C. Caprino divided the triangular shaped piece of property and that she and her husband would just like to keep their share of the property.

Trustee Holcomb asked Mrs. Day if she has a deed for the property she described, because the tax map doesn't reflect a split of the triangular piece of property.

Mrs. Day said she and her husband didn't purchase it, but have used it for the past thirty-four years. They didn't have the land deeded to them because it would have cost \$ 200.00 to have the property surveyed.

Mayor Birrittieri thanked Mrs. Day for attending this evening's meeting and sharing her information.

Mr. Gale Seekings, 12 Olive Ave., indicated to Mayor Birrittieri and the Board of Trustees that he has lived on Olive Ave for the past twenty-four years. Mr. Seekings said he previously contacted the Village of Lakewood and expressed an interest in the property between him and 16 Olive Ave. Mr. Seekings said he has had some differences between himself and Mr. Storrs, regarding lawn mowing, fireworks and recreational vehicle use. Although he has lived in the neighborhood for twenty-four years, Mr. Seekings said it doesn't seem right for the Village of Lakewood to sell property to Mr. Storrs when others should have an equal opportunity to purchase.

Village Clerk Johnson indicated that the owners of 31 Gerald Ave., Ryan G. Wood and Penny L. Luvison, submitted a statement saying they are not in favor of this property sale as requested by Mr. Storrs and that they would be interested in half, (7.5 ft.) of the 15 ft. x 100 ft. parcel of land situated between 31 & 27 Gerald Ave.

Village Clerk Johnson also noted he received a memo from Ms. Grace Sandvoss-Edwards, 27 Gerald Ave. that she too would be interested in half of the Village of Lakewood owned property located between her property and 31 & 31.5 Gerald. Ave.

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Mayor Birrittieri said she and members of the Board of Trustees, along with Village Attorney LaMancuso, will review the information that was presented this evening and do some research on property ownership before anything can be resolved.

Mr. Storrs asked Mayor Birrittieri and the Board of Trustees if he can receive permission to remove the two steel poles located in the former canal property, which pose a hazard to his children.

Mayor Birrittieri indicated to Mr. Storrs she will ask the Code Enforcement Officer Jeffrey A. Swanson to take a look at the condition and advise him accordingly.

Mayor Birrittieri thanked everyone for attending tonight's public hearing and with no one else to be heard, proceeded to close the public hearing at 7:20 PM and reopened the regular meeting of the Board of Trustees.

#### COMMITTEE REPORTS (CONTINUED)

Mayor Birrittieri asked Public Safety Committee Chairperson Trustee Barnes if there has been any more talk about instituting paid hospital transport through the Lakewood Volunteer Fire Department.

Trustee Barnes indicated the Lakewood Volunteer Fire Department and other fire departments are taking a wait and see posture to see how the implementation of the Chautauqua County-wide "fly car" Emergency Medical Service (EMS) response system is going to impact the number of hospital transport calls that will be handled exclusively by the local volunteer fire departments.

Trustee Drago indicated that in the Legislative Update from NYCOM, there is legislation pending that would give municipalities that provide emergency medical services through their volunteer fire departments the option to charge fees for these services. If this legislation is approved there might not require the formation of a separate entity when it comes to providing transport services.

#### ANYONE TO BE HEARD

Mayor Birrittieri introduced Mr. Doug Hoisington, of Earth Spark, Jamestown, N.Y., which is the company that currently is responsible for designing, hosting and maintaining the Village of Lakewood's web-site, to give a brief presentation on the status of the current web-site and how might it be improved.

Mr. Hoisington indicated to Mayor Birrittieri and members of the Board of Trustees he designed the Village of Lakewood's web-site and has been hosting and maintaining it for the past eleven years. The purpose of this presentation is to tell you where the web-site is and how it got there so you'll have the information to go forward. Mr. Hoisington said he is not here this evening to pitch an idea, rather to offer some information to make the Village of Lakewood's web-site successful. If afforded the opportunity, Mr. Hoisington said he will do whatever it takes to get the Village of Lakewood where it wants to be with its web-site.

Mr. Hoisington said new technology has created some challenges in keeping a

web-site designed in 2006 current. Smart phone and tablet sales are up tremendously over the past six years. Unfortunately those devices don't work well with the current Village of Lakewood web-site. The current web-site is a mobile device unfriendly design with issues pertaining to accessibility standards. Mr. Hoisington said the web-site usage has grown by 39% in the past six years while the number of page views has grown by 27% and the number of web-site visits has grown by 68% during that same period.

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Mr. Hoisington said the Village of Lakewood's web-site could contain much more content and it could be presented in a much better fashion. It is unlikely with today's technology to design a new web-site that would be relevant very long.

Mr. Hoisington suggested designing a new web-site that would undergo continuous improvements or updates. The proposal he provided to Ms. Kaie Smith, Chairperson for the Planning Board, took that into account. Instead of charging \$ 1,500.00 to create a new web-site Mr. Hoisington said he is proposing to up the annual fee he currently charges the Village of Lakewood by \$ 500.00, over a three year period. In doing so he would add mobile device accessibility and visual aspects.

Trustee McCague, as the Chairman of the Comprehensive Plan Committee and its Implementation Committee said he realizes the importance of a well designed web-site. He then asked Mr. Hoisington if he would share data from the web-site to gauge its importance as a marketing tool which in-turn drives more activity to it.

Mr. Doug Schutte, 104 Winchester Road, appeared before Mayor Birrittieri and members of the Board of Trustees to comment on the Op-Ed piece, authored by Trustees Barnes, Drago and Holcomb, and was published in The Post-Journal, Sunday, March 5, 2017. Mr. Schutte, asked Trustee McCague, for the record, was he aware or part of the article in any way.

Mr. McCague indicated he had no knowledge of the Op-Ed piece and didn't learn of it until he read the paper that Sunday morning.

Mr. Schutte indicated he has been a resident of the Village of Lakewood since 1992 and intends to live here the rest of his life. One of the best things he has seen happen, since living here, is seeing the new Comprehensive Plan coming to fruition and being adopted.

Mr. Schutte said he has three basic wishes, and doesn't think he is alone in having these wishes. One, for the elected officials, meaning the Board of Trustees, to work with Mayor Birrittieri rather than trying to undermine her and the most important functions of Village government, especially when it is done through the media.

Regarding the Op-Ed's comments on the decision by the Zoning Board of Appeals to deny the variances as applied for by Up State Tower Co., LLC, Mr. Schutte considered them a "hit job". He said the piece was full of incomplete facts, maliintent and certainly doesn't reflect the feelings of many Lakewood residents, including himself. Mr. Schutte asked the authors of the piece, what are the community's benefits of a 180 ft. cell tower, which is the

equivalent of an eighteen story building and soon to be dying technology. In answering his own question, other than the \$ 15,000.00 annually adjusted at 2% inflation and an eyesore for the next fifty years.

Mr. Schutte then said he would like to share a few facts relative to cell towers. According to a recent survey by National Institute for Science Law and Public Policy, 94% of renters and homeowners would be less interested and therefore pay less for property near a cell tower, of the 1,000 people polled 79% indicated they would under no circumstances rent or purchase a property near a cell tower. In a real estate appraisal journal it was noted that buyers would pay about 20% less for property located near a cell tower.

Let us think about the Village of Lakewood tax base for a minute. A ten percent decrease in the tax base would result in a \$ 250,000.00 decrease. We must be careful what we wish for.

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Mr. Schutte said another wish of his is that instead of partisan politics and special interests driving Village of Lakewood polices, there would be a refocus on fixing the problems we all know exist. Firstly, lack of forward budget thinking in forecasting budget needs and being better prepared to handle an \$ 80,000.00 per year payment the next ten years on a pumper truck. It is a lot money to carve out of a budget when there is only so much revenue coming in, in a declining tax base environment.

Mr. Schutte said there are twenty-plus abandoned or condemnable properties within the Village of Lakewood that lower the assessed value of those neighborhoods, while contributing to a declining tax base. Also, there are many empty store fronts that produce no tax revenue. Also, as mentioned earlier, is the growing number of Emergency Medical Service (EMS) calls, which adds to the expenses incurred by the Village of Lakewood. Mr. Schutte said there are examples across New York State where patients paying for hospital transports is successful which in turn reduces costs to the local taxpayers in providing that service.

Changing subjects, Mr. Schutte said there are a lack of updated codes and enforcement of the existing codes which result in substandard rental properties to exist.

Mr. Schutte said his third wish is for everyone to embrace the new Comprehensive Plan and work together making Lakewood the attractive, thriving community it can be. Where it becomes a destination point for visitors and tourism. A community with vibrant businesses, growing tax base and real estate values, where we all can share a sense of pride of what we accomplished together. It would be a nice change.

Mr. Wayne Edwards, 27 Gerald Ave., said if anyone has a question regarding his wife's memo in connection with Mr. Storrs' proposal to please give her a call. Thank You. Mr. Edwards then wished to thank the DPW crew for taking care of a large limb that was felled during last week's wind storm.

Ms. Nancy G. Bargar, 11 East Terrace Ave., wanted to thank the Village of Lakewood for providing a few of locations where dog owners can access bags to aid them in cleaning up after their pets, however she would like the Village of Lakewood to consider adding a few more containers in which the dog waste could be disposed of. It would be an inexpensive investment that would make a lot of people happy.

Mayor Birrittieri thanked Ms. Bargar for her comments and said she will ask the Parks & Recreation Committee look into the matter.

Mr. Gerald Holmes, 10 Holly Drive, thanked Mr. Schutte for his comments and said he agreed with his assessment.

Mr. Jack Knowlton, President of the Lakewood Fire Company, Inc., noted that dog owners also walk their dogs on their private property many of which are guilty of not cleaning-up after their pets. Also, recent articles about the cell tower indicate its proposed location is closer to the baseball field than it actually would be. If built, the cell tower would be over 800 ft. from the baseball field.

Mr. Knowlton then indicated the Lakewood Fire Company, Inc. recently met with officials from the Southwestern Area Sports organization and was pleased to announce the Lakewood Fire Company, Inc. will be funding the entire fencing project for the new A-Turf baseball field. He said the fencing will be installed as soon as weather permits. In addition to the fencing Mr. Knowlton said the Lakewood Fire Company, Inc. will be paying for the sign and flag pole.

Mayor Birrittieri said that is awesome news and said she really appreciates the work Mr. Knowlton has done to see this through and for the generous commitment made by the Lakewood Fire Company, Inc. On behalf of the Southwestern Area Sports organization and entire community, thank you so much.

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Ms. Ellen Connell, 33 Sunset Ave., asked Mayor Birrittieri if she could shed any light on the recent law suit in connection with the cell tower matter.

Village Attorney LaMancuso indicated he can't go into any detail due to pending litigation but he is able to say the matter has not yet been resolved.

Ms. Connell also asked why did the three Trustees feel the need to write the Op-Ed article that appeared in The Post-Journal? There appears to be some dissension and a lack of communication among members of the Board of Trustees.

Trustee Holcomb said he'd be happy to provide Ms. Connell a brief history on the reason why. Mr. Holcomb said he called The Post-Journal requesting a reporter without ties to the Village of Lakewood, namely Mayor Birrittieri when reporting on committee decisions or specifically Ms. Margot Russell. Mr. Holcomb said all he was asking for was an unbiased and non-partisan reporter.

The Editor of The Post-Journal said he could make that happen and proceeded to ask him why. Trustee Holcomb said quite often the Board of Trustees aren't the first ones to learn what is going on. Sometimes we find out what is going

on when we read it in the newspaper. The Editor then asked if Mr. Holcomb or the other Trustees would care to do an Op-Ed piece.

Trustee Holcomb indicated the article submitted by Ms. Myra V. Blasius, Deputy Chairperson of the Zoning Board of Appeals, which was published Sunday, March 12, 2017, said that their Op-Ed article stated the three Trustees were angry with the decision the Zoning Board of Appeals made in connection with the proposed cell tower. Trustee Holcomb said not once in the Op-Ed article was it mentioned that they thought the Zoning Board of Appeals decision was wrong or questioned how they acted or how they conducted themselves during the review process. They are not angry with the Zoning Board of Appeals and their decision regarding the cell tower had nothing to do with their Op-Ed article.

Trustee Holcomb said Ms. Blasius' article noted twice that the opinion of the Trustees doesn't matter, however he said their opinions do matter. Mr. Holcomb said probably a lot of people don't understand the situation and may not agree with him, but this is where we are at. We are learning things second hand when we should be hearing things first hand.

Mr. Schutte said if that was the intent why wasn't the issue discussed with the Mayor and other Board of Trustee members.

Trustee Holcomb said because the three of us aren't included in the discussions.

Trustee Drago indicated that there have been countless meetings and phone calls where none of us have been included, invited to participate or even briefed on what happens in our absence. Some members of the Board of Trustees had no knowledge of a memo noting the reasons behind the Zoning Board of Appeals' decision on the cell tower. Her husband, who is a member of the Zoning Board of Appeals didn't receive the information until 5:30 PM, the evening of the meeting. He then is expected to review the material and be in a position to act on the matter at 7:00 PM.

Mr. Schutte said his comments are by no means targeting one person, but rather an overall frustration that is felt within the community. Don't we have enough of this type of dissension on the national level, why do we have to deal with it here. Mr. Schutte said everyone in this room has a common interest and that is making Lakewood a better place to live. That is why we are here and that is why you were elected.

Ms. Elizabeth Schutte, 104 Winchester Road, said we've become the laughing stock of the area, adding her friends from Jamestown and Frewsburg always ask, what is going on in Lakewood.

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Trustee Holcomb indicated he and other Trustees have asked for copy of an invoice representing services rendered by Special Counsel Stanton six times.

Mayor Birrittieri said that is not true.

Trustee Holcomb said we only received it after their Op-Ed article appeared in the paper.

Mayor Birrittieri said that is also not true. She said if there is going to be any further discussion about pending litigation it can not and will not be done in a public forum.

Mayor Birrittieri said if the trio of Trustees have a question, concern or comment, the idea that you can't pick up the phone and give a call, then there is something desperately wrong. The other issue is that she received two requests for billing information at a time when it wasn't necessary to put undue pressure on our legal counsel to produce an invoice. Mayor Birrittieri said when these controversies surface, people are lead to believe that I'm not doing my job around here, when in fact she is working harder being the Mayor of Lakewood than any other job she has had. She said the job requires her to work morning, noon and night.

Mayor Birrittieri said because there was no reporter at the Zoning Board of Appeals meeting when the decision on the cell tower was rendered, she took upon herself to write a press release and submit it to The Post-Journal and The Ledger in order to inform residents of this important decision. Nobody knew about it. The press release contained factual information that was public record and it was sent to both newspapers. She asked, was it her fault that some people didn't know what happened at a public meeting, absolutely not. If that's what the complaint is, she is sorry that she can't be everything to everyone every time, every minute, of every day for everyone on this Board.

Trustee Barnes indicated to Mayor Birrittieri, that isn't what the complaint is. Ms. Barnes said there have been a number of meetings of a small group of individuals at which village business is discussed. Unfortunately some of the Trustees haven't been informed of what transpires at those meetings. Trustee Barnes said she and her fellow Trustees realize some of the restrictions that the open meetings law imposes as far as having a quorum present, however they were never informed of what took place at those meetings. Also, they had no idea of the terms of the settlement of the law suit. It isn't a matter of knowing every little detail, but because the Board of Trustees has to look after the financial responsibilities for the Village of Lakewood, it is imperative that the entire Board knows what is going on. Trustee Barnes indicated that the Board of Trustees is entitled to certain information.

Mr. Gerald Holmes asked Village Attorney LaMancuso if it is the Zoning Board of Appeals responsibility to inform the Board of Trustees of their decisions.

Mr. LaMancuso said once the minutes are compiled by the Village Clerk they are distributed. Also, because it is an open meeting anyone may attend and learn of any decision that is rendered by the Zoning Board of Appeals.

Trustee McCague asked Village Attorney LaMancuso, in response to Trustee Drago's comment about not being part of countless meetings, if he could briefly explain why no more than two (2) board members may attend a given meeting.

Village Attorney LaMancuso indicated that the Open Meetings Law restricts the number of Board of Trustee members, or other public body, that may gather at an informal meeting to two (2). If a quorum is to be present, meaning the majority of the board, then the meeting must be advertised and open to the public. Mr. LaMancuso said some of the sessions involved conference calls.

Trustee Holcomb said a different Trustee could have been asked to participate in one or more of the meetings.

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Trustee McCague said in addition to he and Mayor Birrittieri, the Chairpersons and Deputy Chairpersons of the Planning Board and Zoning Board of Appeals were also involved with the application review process and therefore part of the meetings. He then asked Mr. LaMancuso to briefly explain the term executive session.

Mr. LaMancuso said executive session is when the Board of Trustees or other public body meets to discuss certain sensitive subjects such as litigation or personnel matters. Although minutes of the executive session are taken, it is not open to the public.

Trustee McCague asked Mr. LaMancuso if the Board of Trustees has entered into executive session recently to discuss the issues at hand, and if so, were any and all questions answered.

Mr. LaMancuso recalls a recent executive session that included a conference call to Special Counsel Richard E. Stanton during which any questions that were asked by members of the Board of Trustees were answered.

Mr. Craig A. Seger, 31 Winchester Road, indicated over the past three years he has witnessed dozens of people spending a lot of time towards the betterment of this community. Mr. Seger said with the Comprehensive Plan in place things are going start moving quickly to implement it. Unfortunately, he is very concerned with how the public looks at the recent dissension and may question whether the Village of Lakewood is a solid community. It is time for the Village of Lakewood to move forward.

Trustee Holcomb agreed with Mr. Seger, saying let's put all of this behind us, be open and move forward.

Mayor Birrittieri said she would like to be able to so, however when there are mistruths printed about her, it is very hard to get around that and move forward together. Mayor Birrittieri said she wants to do whatever she can to make the Village of Lakewood a better place to live and a place for people to raise their families. She said the Village of Lakewood has so much to offer and dreams about the day it comes into its own because it has so much potential. Those are the reasons she works so hard at being the Mayor. Although it has been frustrating for her in trying to form a local business organization she is encouraged by the possibility of starting a Community Chamber of Commerce through the Chautauqua County Chamber of Commerce. She said a lot of this stuff is just noise and if we can get rid of it we will be in better position moving forward.

Mr. Schutte implored everyone to open the lines of communication and do whatever it takes to move the Village of Lakewood forward.

Mr. Joseph Troche, 21 New York Ave., suggested that the Mayor and the Board of Trustees read the NYCOM Handbook for Village Officials to get a better understanding of their responsibilities to the Village of Lakewood and to each other.

Trustee McCague indicated after speaking with Ms. Eve Holberg, from LaBella Associates, D.P.C., Buffalo, N .Y., she implied that some of the zoning code updates that are being considered, that might be related to energy, could be funded by monies from the NYSERDA grant. It is a matter of trying to find ways to pay for the zoning code re-write.

RESOLUTION #37-2017 - AUTHORIZE BUDGET TRANSFERS

Motion by Trustee Holcomb, seconded by Trustee McCague, authorizing Village Treasurer Andrea J. Windoft to make the following budget transfers in order to repay the noted overages in the following expense accounts. Transfer \$ 6,739.07 from Account A9015.80, [Police Retirement], into Account A1910.40, [Insurance], \$ 370.00, from Account A9015.80, [Police Retirement], into Account A1950.40, [Sewer Bills] and \$ 500.00 from Account A7510.20, [Historian, Equipment], into Account A7510.40, [Historian, Contractual].

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

MARCH 13, 2017 (CONTINUED)

RESOLUTION #38-2017 - APPROVE USE OF VLLAGE STREETS

Motion by Trustee McCague, seconded by Trustee Barnes, to approve the use of Village Streets by the Southwestern Interact Club, for a 5K and 10K team run, 9:00 AM, Sunday, June 4, 2017. The run is a fund raiser for "Nothing but Net", which is a United Nations sponsored event to provide mosquito nets for people around the world in the fight against malaria.

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

DISCUSSION

Trustee Barnes wanted to briefly discuss a situation that has been brought to her attention recently which is employee safety and building security issues. Ms. Barnes said she would like for the Village of Lakewood to consider implementing some sort of screening program where guests could be asked to sign in and sign out or install appropriate signage that would eliminate access to certain areas of the building to the public. She believes access to certain areas of the building, in particular the police department, is too easy and it should be tightened-up.

Mayor Birrittieri, agreed, saying that is a good idea.

Trustee McCague suggested that maybe the accessibility concerns and the planned building safety improvements could be coupled together and done as a single project.

Mayor Birrittieri said she has been in contact with Town of Busti Supervisor Robbins about the possibility of having a joint meeting between the two municipal boards. A time and date that is being considered is 6:30 PM, Wednesday, April 26, 2017. Mayor Birrittieri said it would be an open meeting and the public would be invited.

Trustee McCague suggested that a brief meeting agenda be drafted, listing some broad subjects that would be common to both the Village of Lakewood and the Town of Busti, adding more collaboration between the two municipalities is needed.

RESOLUTION #39-2017 - SET TIME AND DATE FOR JOINT MUNICIPAL MEETING

Motion by Trustee Holcomb, seconded by Trustee Drago, to set 6:30 PM,

Wednesday, April 26, 2017 as the time and date to conduct a joint meeting of the Town of Busti Town Board and the Board of Trustees of the Village of Lakewood in the Board Room of the Anthony C. Caprino Municipal Building. It will be an open meeting with the public invited to attend.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RECESS

Motion by Trustee Drago, seconded by Trustee McCague, to recess the regular meeting of the Board of Trustees at 8:27 PM, so as to enter into executive session to discuss pending 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, Village Attorney John I. LaMancuso and Village Clerk Joseph M. Johnson.

MARCH 13, 2017 (CONTINUED)

RESOLUTION #40-2017 - APPROVE NEW SPECIAL COUNSEL RETAINER AGREEMENT

Motion by Trustee McCague, seconded by Trustee Holcomb, for the Board of Trustees to approve a new Retainer Agreement with Special Counsel Richard E. Stanton, Buffalo, N.Y., pending its review.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

Motion by Trustee Holcomb, seconded by Trustee McCague, to adjourn the executive session at 9:25 PM, and to reopen the regular meeting.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried the Board adjourned at 9:27 PM.

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Joseph M. Johnson  
Village Clerk