

NOVEMBER 13, 2017

The twenty-first regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, November 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, 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 October 23, 2017. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated October 31, 2017 and November 13, 2017, be approved and that the Clerk shall execute said abstracts (#21, #22, #23 & #24) and direct payment by the Treasurer. End of the Month: Trust & Agency Fund: \$ 60,580.84, (Checks #4246 thru #4257), General Fund: \$ 6,417.49, (Checks #14246 thru #14250), Trust & Agency Fund: \$ 56,678.28, (Checks #4258 thru #4266), General Fund: \$ 141,235.90, (Checks #14251 thru #14302)
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

REPORTS

Mayor Birrittieri indicated she and other officials from the Village of Lakewood attended Southern Tier West's Fall Planning & Zoning seminar held at Jamestown Community College last Wednesday. Mayor Birrittieri said the sessions covering various topics were very informative.

Mayor Birrittieri said she attended a Christmas in the Village meeting earlier in the day and things are moving ahead nicely as additional sponsors and vendors come forward for the community event to be held Saturday, December 9th.

Mayor Birrittieri also reported she will be meeting with Mr. Todd Tranum, President & CEO of the Chautauqua County Chamber of Commerce, next week regarding the formation of the Village of Lakewood's own Community Chamber of Commerce. There are currently six Community Chambers of Commerce throughout Chautauqua County.

Mayor Birrittieri concluded her report by congratulating Trustee/Deputy Mayor Edward J. McCague for being elected last Tuesday to a full four year term beginning January 1, 2018. Mayor Birrittieri also thanked Mr. McCague for agreeing to fill in as Trustee following former Trustee David J. DiSalvo's resignation last December.

Department of Public Works Supervisor Thomas R. Pilling reported that the

D.P.W. crew is on its third trip around the village on its annual leaf pick-up which they will be finishing-up by the end of the week. With snow in the forecast for early next week the D.P.W. crew will be transitioning from leaf mode to snow mode. Mr. Pilling also reported that the remodeling of the former Yesterdays Bar/Restaurant, 103 Chautauqua Ave., created some additional work for the D.P.W. crew, when it became necessary to install a new 100 ft. section of underground drain pipe from a downspout on the northeast corner of the building into the closed stormwater drainage system along East Summit Street, (County Highway #110).

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Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled eight thousand two hundred seventy-five incidents year-to-date, four hundred forty-two of which occurred over the past two weeks. He also reported that Miro, the L-BPD canine officer has been recertified by New York State as a gun and bomb detection K-9. Chief Bentley indicated the L-BPD is busy and that there has been a rash of methamphetamine arrests.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to seven hundred eighteen alarms year-to-date. He then indicated the LFD recently responded to two mutual aid house trailer fires, one in the Ashville district and one in the Busti fire district. Chief Hallberg said for the most part the balance of the calls the past two weeks have been routine Emergency Medical Service (EMS) calls.

Village Treasurer Andrea J. Windoft reported that the Village of Lakewood has recently received its third quarter sales tax revenue check, for the period of August, September & October, in the amount of \$185,753.41. The amount received is about 2% lower than the corresponding quarter last year.

Mrs. Windoft suggested that of the \$ 25,000.00 received from the sale of the 1993 Sutphen Fire Engine, \$16,000.00 be placed into the reserve account, with the balance of \$ 9,000.00 made available for the repair of water hose system on the ladder of the Ladder Truck 371.

Village Treasurer Windoft then indicated that as of late today, the Village of Lakewood has received \$2,715.00 in vendor fees and sponsorship money in connection with this year's Christmas in the Village event scheduled for Saturday, December 9th.

Mrs. Windoft said she would like to open a discussion with Mayor Birrittieri and members of the Board of Trustees regarding a fund raising letter drafted by the Village of Lakewood Tree Committee which surfaced earlier today. The goal of the proposed letter and donation form, which was going to be sent to area businesses, was to generate enough money for the Village Tree Committee to be able to plant one hundred trees throughout the Village of Lakewood in 2018.

Mayor Birrittieri said she would like for Village Attorney LaMancuso to review the wording of the solicitation letter before it goes any further.

Trustee Barnes, indicated according to NYS statutes, a municipality or a committee of a municipality cannot not solicit for any type of funding.

Mayor Birrittieri said she is not aware of how the solicitation letter is worded and reiterated she would first like the Village Attorney take a look at it.

Trustee Barnes said committees need to be appraised on what they are empowered to do and anything they are considering doing on behalf of the Village of Lakewood, must first come through the Board of Trustees.

Mayor Birrittieri said for years the Village of Lakewood sent out letters to residents and area businesses asking for donations as a means to defray costs associated with its annual 4th of July Summerfest. After being elected Mayor she was informed that a letter such as that, asking for donations, wasn't the proper way to go about it. Since becoming Mayor of the Village of Lakewood, community events like Christmas in the Village have been conducted properly, legally and far above board than in the past.

Mayor Birrittieri said the Tree Committee is desirous of wanting more trees planted throughout the Village of Lakewood and has introduced a way to generate funds to do so. She said it is important to abide by the law while at the same time be able to present some nice community events throughout the year.

NOVEMBER 13, 2017 (CONTINUED)

Trustee Barnes said any ideas that the various Village of Lakewood committees may come up with, although well intentioned, must first be presented to the Board of Trustees for review and comment, adding, Village committees need to understand their limitations.

Mayor Birrittieri said she has reached out to the Lakewood Community Development Corporation asking them if they would consider taking over the local community events. The Village of Lakewood shouldn't be in the business of organizing and running small community events. Mayor Birrittieri said that's another reason why she is working with the Chautauqua County Chamber of Commerce in trying to form a local Community Chamber of Commerce here in Lakewood.

Building Inspector Jeff Swanson reported that there are a number of major projects moving forward namely the new Hyundai project underway at 181 East Fairmount Ave., and the proposal to raze the two structures at 386 and 390 East Fairmount Ave., making way for the construction of the new 6,700 sq. ft. 5 Star Urgent Care and Aspen Dental building.

Mr. Swanson then asked if the Village of Lakewood has received any correspondence recently in connection with having been awarded a \$ 100,000.00 grant from the New York State Energy Research & Development Authority (NYSERDA), as far as implementing any of the high impact actions.

Trustee Holcomb indicated that he is waiting for some information from Mr. Joseph Crimi, P.E., of the New York Power Authority. It was decided by the Committee that the initial high impact action taken would be to convert a percentage of the existing street lights to more energy efficient fixtures.

Mr. Swanson said he has been doing some research on how to best address the several vacant and abandoned residential properties, aka "zombie properties"

scattered throughout the Village of Lakewood.

He hopes to learn more about the subject at a November 28th seminar in Batavia, N.Y., presented by the New York State Conference of Mayors & Municipal Officials.

Changing subjects, Mr. Swanson indicated that after talking with Village Attorney John I. LaMancuso about an upcoming court case, he is not in a position to represent the Village of Lakewood. Mr. LaMancuso recommended that Mr. Swanson reach out to Joel Seachrist, Esq., the Town of Busti's Attorney, for legal counsel on the matter. Mr. Swanson said he will need approval from the Board of Trustees for the Village of Lakewood to hire Mr. Seachrist at a compensation rate of \$ 120.00/hr. Upon review of the case by Mr. Seachrist, Mr. Swanson said he will then set the date with the court when the matter will be heard.

RESOLUTION #163-2017 - AUTHORIZE THE HIRING OF LEGAL COUNSEL

Motion by Trustee Holcomb, seconded by Trustee Drago, authorizing the Village of Lakewood to hire

Joel Seachrist, Esq., at \$ 120.00/hr. to represent Building Inspector Jeffrey A. Swanson and the Village of Lakewood in court on a zoning matter.

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

COMMITTEE REPORTS

Trustee Drago, as the Lakewood Memorial Library liaison, indicated the library's Board of Trustees met last Thursday when it was reported that their "Food for Thought" fund raiser, held Friday, September 22nd was a smashing success, raising \$ 9,311.80 for the library. Trustee Drago also reported that the library will be participating in this year's Christmas in the Village by providing the event with six vendor spaces. Mrs. Drago said beginning in January 2018 the Lakewood Memorial Library will be expanding their hours of operation especially on holiday weekends when they've previously been closed.

NOVEMBER 13, 2017 (CONTINUED)

Public Safety Committee Chairperson Trustee Barnes asked for a minute to briefly explain how the Lakewood Volunteer Fire Department, Lakewood Fire Company, Inc. and the Village of Lakewood team-up to provide safety services to its residents. She indicated that the Village of Lakewood is obligated by law to provide fire protection and it is necessary to have the equipment and personnel to do so. The Village of Lakewood oversees the finances to provide fire protection and emergency medical services. The Lakewood Fire Company, Inc. is independent from the Village and is responsible for providing the manpower to respond to the emergencies. Trustee Barnes stressed that without the Fire Company, the Village of Lakewood would have to employ paid firefighters, which would cost the taxpayers two to three million dollars per year.

She noted the Lakewood Fire Co., Inc. is considered a not-for-profit organization, which allows them to raise money. The Town of Busti has a contract with the Lakewood Fire Company to provide fire protection and the money generated goes toward the purchase of equipment. Funds generated via fund raisers and fire district taxes must be used in specific ways.

To date the Lakewood Fire Co., Inc. has spent over 2.4 million dollars on fire equipment purchases since 1915. Over the same period the Village of Lakewood has spent 1.4 million dollars on fire equipment. In 1995 the Village of Lakewood built a new fire station on Packard Ave. at a cost of \$ 775,000.00. Trustee Barnes said what the numbers reveal is the Fire Company and the Village of Lakewood have spent about the same amount of money funding the Lakewood Volunteer Fire Department since 1915.

Without the financial assistance from the Fire Company costs to fund the Fire Department would have meant increased taxes for the property owners. Trustee Barnes said like everything else costs for new fire equipment have increased dramatically over time. For example the ladder truck purchased in 1990 cost \$320,000.00 while a similar truck today would cost 1.2 million dollars.

Trustee Barnes said there were rumors circulating recently that the money donated to the Fire Company is used just for parties, rumors which are totally false. On behalf of the Village of Lakewood and its residents Trustee Barnes publically thanked the Lakewood Fire Department and the volunteers for the dedicated service they provide.

RESOLUTION #164-2017 - SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Holcomb, seconded by Trustee McCague, per the recommendation of Mayor Birrittieri, to set 6:40 PM, Monday, November 27, 2017, as the time and date for the Board of Trustees to conduct a public hearing to consider amending Local Law #7-2016, which was adopted October 11, 2016, increasing the number of alternates on the Zoning Board of Appeals from one (1) to two (2).

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

RESOLUTION #165-2017 - RESCIND RESOLUTION #159-2017 - DATED OCTOBER 23, 2017

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Board of Trustees to rescind Resolution #159-2017, approving the Fireman's Field Agreement, which was adopted with two (2) minor changes, October 23, 2017.

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

NOVEMBER 13, 2017 (CONTINUED)

RESOLUTION #166-2017 - APPROVE FIREMAN'S FIELD AGREEMENT AS WRITTEN

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to approve the Agreement between the Village of Lakewood and the Lakewood Fire Company, Inc., regarding the new A-turf baseball field, (Fireman's Field), as written and to authorize Mayor Birrittieri to execute same.

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

RESOLUTION #167-2017 - AUTHORIZE FUND TRANSFER

Motion by Trustee Holcomb, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 500.00 from Trust & Agency account T1037.30, [Parks], into account A8510.40, [Community Beautification], for remittance to the Chautauqua Lake Partnership, Inc., as a donation in the form of funding support for the organization's partnership activities geared towards improving the water quality of Chautauqua Lake.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #168-2017 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee McCague, seconded by Trustee Barnes, for the Board of Trustees to set 6:45 PM, Monday, November 27, 2017, as the time and date to conduct a public hearing to review a Special Use Permit application, [Bar/Restaurant], in connection with a proposal to relocate the La Cocina Mexican restaurant from 5 West Fairmount Ave. to 273 East Fairmount Ave., former Wing City Grille location.
In accordance with Sections #25-6, [Definitions] and #25-14, (C-14), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law, to sell and serve alcoholic beverages in a Restaurant/Bar setting requires a Special Use Permit.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #169-2017 - AUTHORIZE FUND TRANSFER

Motion by Trustee McCague, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 2,869.75 from Trust & Agency account T1037.40, [Tree Foundation Revenue], into account A8510.41, [Trees], in order to pay for the Fall 2017 tree plantings carried out by Bruce E. Robinson, Inc., Jamestown, N.Y.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #170-2017 - APPROVE RENTAL CONTRACT WITH JAMESTOWN AWNING, INC.

Motion by Trustee Holcomb, seconded by Trustee McCague, to approve the rental agreement between the Village of Lakewood and Jamestown Awning, Inc., Jamestown, N.Y., regarding use of a 40 ft. x 60 ft. tent and two heaters during the Christmas in the Village event, Saturday, December 9, 2017, and to authorize Mayor Birrittieri to execute same. The cost of the rented items totals \$ 1,930.50. NOTE:
Jamestown Awning, Inc. has generously donated twinkle lights, the tent's side wall, forty 8 ft. tables and one hundred fifty folding chairs for the event at a cost of \$ 1,000.00, which is a Platinum level sponsorship.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

NOVEMBER 13, 2017 (CONTINUED)

CHRISTMAS IN THE VILLAGE DISCUSSION

Mayor Birrittieri indicated she is pleased to report that as of this afternoon \$ 1,950.00 in sponsorships have been received which already covers the cost of the tent and two heaters. Additional revenue will be generated via vendor space fees which will be used to pay for the reindeer, horse drawn trolley rides and other miscellaneous expenses. Mayor Birrittieri said speaking of vendors, there will be six vendor spaces available in the Lakewood Memorial Library while there will be approximately thirty-six available in the tent and former Wilson Farms Convenient Store building.

RESOLUTION #171-2017 - APPROVE NEW L.F.D. MEMBERS

Motion by Trustee McCague, seconded by Trustee Drago, for the Board of Trustees, acting as the Board of Fire Commissioners, to approve Ms. Emma Blasius, 19 Owana Way and Mr. Elijah West, 2229 Big Tree Road, as new members of the Lakewood Volunteer Fire Company, Inc.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #172-2017 - AUTHORIZE SEMINAR ATTENDANCE

Motion by Trustee McCague, seconded by Trustee Barnes, authorizing Building Inspector Jeffrey A. Swanson to attend a Distressed & Abandoned Properties seminar Tuesday, November 28, 2017 in Batavia, New York, which is being sponsored by the New York State Conference of Mayors & Municipal Officials.
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 7:20 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, Special Counsel Richard E. Stanton, Esq., Zoning Board of Appeals member Louis S. Drago, Jr. and Village Clerk Joseph M. Johnson. Motion by Trustee Holcomb, seconded by Trustee Drago, to adjourn the executive session at 8:20 PM.

Motion by Trustee Barnes, seconded by Trustee McCague, and unanimously carried the Board adjourned at 8:21 PM.

Joseph M. Johnson
Village Clerk

