

JUNE 20, 2016

A special meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 20, 2016 at 6:00 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo, Susan F. Drago, and Randall G. Holcomb. Also present were Village Clerk Joseph M. Johnson, Police Chief John R. Bentley and Richard E. Stanton, Esq., Buffalo, New York.

PUBLIC HEARING: 6:00 PM
PROPOSED LOCAL LAW #4-2016
REGULATING THE SITING OF WIRELESS TELECOMMUNICATIONS
FACILITIES WITHIN THE VILLAGE OF LAKEWOOD, NEW YORK

Mayor Birrittieri called the public hearing to order at 6:00 PM and explained Local Law #4-2016 as proposed is a permanent law which will give the Village of Lakewood much more control over the permit review process for wireless telecommunications facilities in the future. Mayor Birrittieri indicated to those in attendance there are copies of the local law available for examination. Mayor Birrittieri said she and the Board of Trustees will be only entertaining comments and questions on the local law as proposed and will not comment on past or pending cell tower permit applications.

Mayor Birrittieri went on to read Section 1. [Purpose & Legislative Intent] of Local Law #4-2016, as follows. The Telecommunications Act of 1996 affirmed the Village of Lakewood's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The Village of Lakewood finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the Village and its inhabitants. The Village also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Village and if significant benefit to the Village and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the Village's land use policies, the Village is adopting a single, comprehensive, Wireless Telecommunications Facilities Application and permit process. The intent of this Local Law is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of Applications, assure an integrated comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the Village of Lakewood.

Mayor Birrittieri indicated the local law as proposed is quite comprehensive and is certain everything is in order to allow the Board of Trustees to adopt Local Law #4-2016 this evening.

Mayor Birrittieri said the Village of Lakewood has also completed a Short Environmental Assessment Form pertaining specifically to Local Law #4-2016.

Mayor Birrittieri said the next step is for the Board of Trustees to issue either a Negative or Positive Declaration based on the findings listed on the Short Environmental Assessment Form. It has been determined Local Law #4-2016 will not have a significant adverse environment impact and therefore a Negative Declaration is in order.

Trustee DiSalvo asked Mr. Stanton whether or not this action is considered a

Type I or Unlisted action.

Mr. Stanton said there is a mix of thoughts on this particular question. The more important question for the Board of Trustees to determine is if the local law as proposed has any potential significant impacts on the environment. If the local law itself doesn't have a negative impact on the environment, then the Board of Trustees should adopt a Negative Declaration.

With no one else to be heard, Mayor Birrittieri closed the public hearing at 6:12 PM.

JUNE 20, 2016 (CONTINUED)

RESOLUTION #103-2016 - ADOPT NEGATIVE DECLARATION RE: LOCAL LAW #4-2016

Motion by Trustee Barnes, seconded by Trustee DiSalvo, for the Board of Trustees adopt a Negative Declaration as it relates to the State Environmental Quality Review (SEQR) Act, regarding Local Law #4-2016, which will regulate the siting of Wireless Telecommunications Facilities within the Village of Lakewood, New York.

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

RESOLUTION #104-2016 - ADOPT LOCAL LAW #4-2016

Motion by Trustee Drago, seconded by Trustee Barnes, for the Board of Trustees to adopt Local Law #4-2016, as a single, comprehensive permit application process, regulating the siting of Wireless Telecommunications Facilities within the Village of Lakewood, New York.

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

RESOLUTION #105-2016 - APPOINT FULL-TIME POLICE OFFICER

Motion by Trustee Holcomb, seconded by Trustee Barnes, per the recommendation of Police Chief John R. Bentley, to appoint current part-time Police Officer Matthew A. Lundsten as a full-time Police Officer for the Lakewood-Busti Police Department effective June 22, 2016. Officer Lundsten, who has worked as a part-time Police Officer since August 2013, will be compensated at an annual salary of \$ 51,235.00, (STEP I), per the current Labor Contract-Agreement.

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

RESOLUTION #106-2016 - APPOINT PART-TIME POLICE OFFICER

Motion by Trustee Di Salvo, seconded by Trustee Drago, per the recommendation of Police Chief John R. Bentley, to appoint Tyler D. Conlan, 29 Rice Street, Frewsburg, N.Y., as a part-time Police Officer for the Lakewood-Busti Police Department effective June 22, 2016. Officer Conlan will be compensated at a rate of \$ 16.49/hr.

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

Trustee Di Salvo asked Chief Bentley to briefly explain the reason for adding another full-time police officer to the force.

Chief Bentley indicated there is a constant turn-over of manpower. He said currently there are three vacant part-time Police Officer positions, adding he wouldn't be surprised if another part-time officer were to leave soon to take a full-time position elsewhere. Chief Bentley said, to fill those positions would cost close to what it will cost to add one full-time officer. With the appointment of Officer Lundsten the Lakewood-Busti Police Department is retaining an outstanding Police Officer instead of having him take a full-time position with another law enforcement agency.

Mr. David G. Bargar, 11 Sunset Ave., asked Chief Bentley how many part-time police officers are on the force and how does the hiring of an additional full-time officer impact the Lakewood-Busti Police Department.

JUNE 20, 2016 (CONTINUED)

Chief Bentley said there are eight part-time police officers on the force which are able to cover any open shifts, however they are only permitted to work a maximum of twenty hours per week. Chief Bentley indicated the hiring of an additional full-time officer does two things, it keeps a quality Police Officer on board and potentially reduces the amount of time and money it would have taken to train new part-time officers.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees at 6:22 PM, so as to enter into executive session to discuss current litigation.

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

EXECUTIVE SESSION

Present at the executive session were Mayor Cara Birrittieri, Trustee Ellen E. Barnes, Trustee David J. Di Salvo, Trustee Susan F. Drago, Trustee Randall G. Holcomb, Village Clerk Joseph M. Johnson and Richard E. Stanton, Esq. Following discussion on the matter of Up State Tower Co., LLC, Bethesda, Maryland versus the Village of Lakewood and the Village Board of Trustees a motion was made by Trustee Holcomb and seconded by Trustee Drago, to reopen the regular meeting of the Board of Trustees at 6:49 PM.

Motion by Trustee Barnes, seconded by Trustee Di Salvo and unanimously carried the Board adjourned at 6:50 PM.

Joseph M. Johnson
Village Clerk

