

MAY 22, 2017

The tenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, May 22, 2017, 6:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were 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, Department of Public Works Supervisor Thomas R. Pilling and Building Inspector Jeffrey A. Swanson. Absent were Trustee Ellen E. Barnes and Fire Chief Kurt W. Hallberg.

APPROVAL OF MINUTES

Motion by Trustee McCague, seconded by Trustee Holcomb, to approve the minutes of the last regular meeting of the Board of Trustees, held May 8, 2017 and the minutes of the Special Meeting of the Board of Trustees held May 15, 2017.

Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee McCague, that the claims as audited by the Auditing Committee of the abstract dated May 22, 2017, be approved and that the Clerk shall execute said abstracts (#51 & #52) and direct payment by the Treasurer. Trust & Agency Fund: \$ 59,504.34, (Checks #4096 thru #4105), [Note: Check #4095 was voided], General Fund: \$ 43,749.95 (Checks #13751 thru #13798)

Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

REPORTS

Mayor Birrittieri announced that the 2017-2018 Village tax bills will be mailed out next week. In a separate mailing next week residents will also be receiving the Mayor's annual newsletter along with information on this year's 4th of July Summerfest and the Lakewood Memorial Library. Mayor Birrittieri then reminded everyone that the annual Village of Lakewood Yard & Garage sale will be Friday, June 2nd and Saturday, June 3rd, followed by the annual junk pick-up commencing Monday, June 5th.

Mayor Birrittieri also announced that a new event called Live, Laugh, Love Lakewood, a community wellness day will held Sunday, June 4th, which will begin with a 5K & 10K tag team road race at 9:00 AM.

Mayor Birrittieri indicated that the Events & Marketing Committee is working hard in putting together another fantastic 4th of July Summerfest celebration, adding volunteers are needed.

Mayor Birrittieri said she is pleased to announce that Firemen's Field, the new artificial turf baseball field off Linwood Ave., is very close to being ready to use and that an official grand opening is expected to be held sometime during the first week of July. Mayor Birrittieri said she is thrilled that such an awesome facility is right here in Lakewood and thanked everyone involved in seeing this worthwhile project through to the end.

In closing, Mayor Birrittieri reported that the police labor contract negotiations are continuing, with the next negotiation session scheduled for May 30th.

Department of Public Works Supervisor Thomas R. Pilling reported that he received a couple of quotes from Big Toys Playground Equipment to replace the outdated and unsafe playground equipment currently in use at Veterans' Memorial Park on East Terrace Ave. Costs of the two separate playground equipment packages were \$ 23,549.00 and \$ 32,381.00 respectively.

MAY 22, 2017 (CONTINUED)

D.P.W. Supervisor Pilling then asked Mayor Birrittieri and members of the Board of Trustees for permission to enter into a three-way purchase of a 2000 GMC 3500 Bucket Truck along with the Town of Busti and Town of Kiantone. The Village of Lakewood's share of the purchase price will total \$ 1,808.33.

RESOLUTION #83-2017 - AUTHORIZE PURCHASE OF A 2000 GMC BUCKET TRUCK

Motion by Trustee Holcomb, seconded by Trustee McCague authorizing D.P.W. Supervisor Thomas R. Pilling to enter into an agreement with the Town of Busti and the Town of Kiantone to jointly purchase a 2000 GMC 3500 Bucket Truck from Rarey's Auto Service & Sales, Warren, PA, for a total cost of \$5,425.00. The Village of Lakewood's share of the cost will be \$ 1,808.33. Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

Trustee McCague asked Mr. Pilling if he could check out a brush pile that recently appeared along Park Lane after the annual brush pick-up by the D.P.W. was completed.

Mr. Pilling said he will contact the property owner responsible and advise them of the new brush pick-up rules and regulations.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has handled three thousand eight hundred twenty-seven reportable incidents year-to-date, four hundred thirty-six of which occurred the past two weeks. Chief Bentley indicated that the L-BPD will be participating in the state-wide

Buckle-up New York seat-belt enforcement program through June 4th. Seat belts save lives.

Chief Bentley also reported that the L-BPD assisted the Jamestown Police Department investigating a couple of recent shootings in the city.

Mayor Birrittieri asked Chief Bentley if he has heard anything new regarding the intersection of East Fairmount Ave. (Rt. 394) and Shadyside Ave.

Chief Bentley indicated to Mayor Birrittieri that subject has been a topic of discussion at recent traffic safety meetings and it is his understanding that the NYS Department of Transportation is expected to conduct a traffic study at that intersection this July.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.

Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

PUBLIC HEARING - 6:45 PM
SPECIAL USE PERMIT APPLICATION - 6 FT. FENCE
31 NEW YORK AVE.

Mrs. Sharon Westerberg, 31 New York Ave., has submitted an application for a Special Use Permit regarding her proposal to erect forty (40) lineal feet of 6 ft. high cedar panel privacy fence along a portion of her northerly property line as an extension of an existing fence that was installed last year. In accordance with Section #25-50, (A-2), [Fences, Walls], of the Village of Lakewood Zoning Law, any fence above four (4) feet in height requires a Special Use Permit.

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Mayor Birrittieri opened the public hearing at 6:45 PM, and asked Mrs. Westerberg if she could briefly explain her proposed fence extension project. She then noted the Village of Lakewood Planning Board recommended that the Board of Trustees approve this particular special use permit application.

Trustee McCague asked Ms. Westerberg if a timetable for when the fence is expected to be erected has been set yet. Mr. McCague then indicated if the fence set-back is less than the required two (2) feet from the common boundary line, she would need to provide a written statement from her neighbor approving a set-back of less than what's required.

Mrs. Westerberg indicated that the new fence sections have already been purchased and expects her contractor, Timothy Ostroski, to install it as soon as he finds the time, which should be within the next month or so. Mrs. Westerberg indicated her neighbors to the north, who are in attendance this evening, have stated they don't have an issue with the proposed set-back.

RESOLUTION #84-2017 - APPROVE SPECIAL USE PERMIT APPLICATION - 6 FT. FENCE.

Motion by Trustee Holcomb, seconded by Trustee McCague, to approve/grant an application for a Special Use Permit as submitted by Mrs. Sharon Westerberg, 31 New York Ave., whereby she will be allowed to erect forty (40) lineal feet of 6 ft. high cedar panel fence along a portion of her northerly boundary line in accordance with Section #25-50, [Fences, Walls], of the Village of Lakewood Zoning Law.

Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

PUBLIC HEARING - 6:50 PM
SPECIAL USE PERMIT APPLICATION - 6 FT. FENCE
2 HOLLY DRIVE

Mr. David Snow, 2 Holly Drive, has submitted an application for a Special Use Permit regarding his proposal to erect approximately one hundred thirty-six (136) lineal feet of 6 ft. high (vinyl) privacy fence as a back-yard enclosure and road noise buffer. In accordance with Section #25-50, (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 opened the public hearing at 6:50 PM and asked if members of the Board of Trustees had any questions for Mrs. Elizabeth Snow, representing her son David who is out of town.

Mrs. Snow did note that her son's neighbor to the west, Mr. & Mrs. Richard Wadsworth, 14 East Fairmount Ave., have no objection to the proposed fence.

Trustee McCague asked Mrs. Snow if she knows the timetable for when the fence will be erected.

Mrs. Snow said she isn't sure of the exact timetable, but having had a few trees cut down along her son's westerly property line, he would like to get the fence up as soon as possible.

RESOLUTION #85-2017 - APPROVE SPECIAL USE PERMIT APPLICATION - 6 FT. FENCE

Motion by Trustee Drago, seconded by Trustee McCague, to approve/grant an application for a Special Use Permit, as submitted by Mr. David Snow, 2 Holly Drive, whereby he will be allowed to erect approximately one hundred thirty-six (136) lineal feet of 6 ft. high vinyl privacy fence as a back-yard enclosure and road noise buffer in accordance with Section #25-50, [Fences, Walls], of the Village of Lakewood Zoning Law.

Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)
MAY 22, 2017 (CONTINUED)

REPORTS (CONTINUED)

Building Inspector Jeff Swanson made mention of a small victory with respect to property maintenance enforcement in that the junk behind the residence at 22 East Summit Street has been cleaned-up.

Mayor Birrittieri asked Mr. Swanson if there was anything to report regarding the properties on Pennsylvania Ave. and Ohio Ave.

Building Inspector Swanson indicated he hasn't heard anything new, other than noticing the properties are being properly maintained.

Trustee McCague asked Mr. Swanson about the continuing property maintenance issues at 34 Sunset Ave.

Mr. Swanson indicated to Trustee McCague that things are in the works to cite the property owners in connection with the ongoing the property maintenance issues at that address.

COMMITTEE REPORTS

Trustee Drago, Lakewood Memorial Library liaison, reported that she attended their Board of Trustees meeting Tuesday, May 9th, at which Trustee McCague spoke about the possibility of partnering with the Hazeltine Library on a government efficiency grant opportunity. Trustee Drago said she would also like to finalize the contract agreement between the Village of Lakewood and the

Lakewood Memorial Library.

Trustee McCague indicated he and others attended the Local Government Conference May 10th at Houghton College, plus he attended the recent meeting of the Lakewood Tree Committee. Trustee McCague said he recently received a call from Ms. Lisa Schmidfrerick-Miller, Health Communities Consultant, who indicated that Buffalo Business First magazine will again be showcasing the Village of Lakewood in an article about winning the 2016 SOPHI Award and participating in a Complete Streets Program. A representative from the magazine will be meeting with local officials Wednesday, May 24th.

Trustee Holcomb reported the New York State Energy Research & Development Authority (NYSERDA) grant was filed May 15th and they would review the paperwork for completeness within a few weeks.

ANYONE TO BE HEARD

Ms. Laurie Shults, 6 Alta Way, appeared before Mayor Birrittieri and the Board of Trustees to follow up on a concern she and others have brought before them previously, namely use of the fire siren. Ms. Shults said she and Mr. Salvatore Rachuna, after doing some research, have drafted a list of suggestions for the Board of Trustees, acting as the Board of Fire Commissioners and the Lakewood Fire Department to consider regarding use of the fire siren. Ms. Shults said some of the suggestions are as follows. Utilize a curfew between the hours of 10:00 PM and 7:00 AM, so as to improve the quality of sleep for those living near the siren, lower the decibel level of the existing World War II vintage air raid siren and/or relocate the siren to the fire station off Chautauqua Ave.

Trustee Holcomb suggested to Ms. Shults that she present her proposals directly to the Lakewood Fire Company at one of their upcoming meetings.

Ms. Shults said it was her understanding that the Board of Trustees, which act as the Board of Fire Commissioners, was the entity to which the petition and concerns regarding the siren be presented. She believes attending a Lakewood Fire Company meeting to present her suggestions wouldn't be a fair fight.

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Mayor Birrittieri believes acting as the Board of Fire Commissioners, the Board of Trustees has the ultimate decision making power when it comes to Fire Department matters.

In doing their research, Ms. Shults and Mr. Rachuna learned that the Chautauqua Fire Department only activates their siren for structure fires and at the Kennedy Fire Department their siren is activated for all calls, EMS and structure fires, between 7:00 AM & 10:00 PM, however is only activated between the hours of 10:00 PM & 7:00 AM for structure fires.

Ms. Shults said she and others aren't asking for the siren to be completely discontinued, but instead are asking the Lakewood Fire Department to consider instituting a siren curfew between 10:00 PM & 7:00 AM. Ms. Shults said she and Mr. Rachuna fully support "our" volunteers who do so much for this community.

Trustee McCague said he agrees with Mayor Birrittieri that it is the responsibility of the Board of Trustees to respond to both the Fire Department and the residents of the Village of Lakewood. Trustee McCague suggested that a small independent committee be formed to look into the options in utilization of the fire siren.

Mayor Birrittieri believes the siren issue it is a matter that can not be ignored and there are some valid options that should be discussed and considered. This issue will be addressed one way or another.

Mr. Rachuna indicated that it is very difficult for his son to adapt to the siren when it awakens him in the middle of the night. Mr. Rachuna said it seems unfair to be forced to deal with the siren when there are some reasonable options to consider. It is his understanding that some families have moved out of the Village of Lakewood because they could not tolerate the loud siren going off in the middle of the night. Mr. Rachuna said he and Ms. Shults are here this evening representing those who signed the petition.

Ms. Shults said although it is very unfortunate, she and Mr. Rachuna have been personally attacked for standing-up and expressing their opinions regarding the siren.

Mayor Birrittieri thanked Ms. Shults and Mr. Rachuna for appearing before the Board of Trustees this evening and for presenting their suggestions and options on how the siren could be utilized.

RESOLUTION #86-2017 - APPROVE 2017 DOCK PERMIT APPLICATION

Motion by Trustee McCague, seconded by Trustee Holcomb, to approve the following 2017 Dock Permit applications as submitted by Mr. Steven Johnson, 27 Harlem Ave., for the Harlem Ave. right-of-way and Mr. John A. Johnson, 178 Front Street, for the Woodlawn Ave. right-of-way, contingent upon receipt of the proper Certificate of Insurance from Mr. John A. Johnson.

Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

RESOLUTION #87-2017 - APPROVE & ENDORSE NEW YORK MAIN ST. TECHNICAL ASST. GRANT

Motion by Trustee McCague, seconded by Trustee Holcomb, for the Village of Lakewood Board of Trustees approve and endorse an application to the NYS Homes & Community Renewal for funding for a 2017 New York Main Street Technical Assistance project grant,
WHEREAS, The Village desires to apply for \$ 20,000.00 in financial assistance through the 2017 funding round under the New York Main Street Technical Assistance Grant program; and
WHEREAS, the application proposes funding to assist property owners to complete building renovations to downtown "main street" buildings on Chautauqua Avenue between the Western New York & Pennsylvania Railroad tracks and Richard O. Hartley Park; and
WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

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WHEREAS, the grant application requires that the governing body of the

municipality in which the project will be located.
NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Lakewood approves and endorses the 2017 New York Main Street Technical Assistance Grant application for assistance to be submitted by the Village.
Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

RESOLUTION #88-2017 - AUTHORIZE NYS FIRE CHIEF'S CONVENTION ATTENDANCE

Motion by Trustee Holcomb, seconded by Trustee Drago, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize Fire Company President Jack Knowlton, First Assistant Fire Chief Steve Smouse and Second Assistant Fire Chief Todd Gilbert, to attend the New York State Fire Chief's Convention and Trade-Show, June 14th - June 17th at the Turning Stone Resort, Verona, New York. Fire Company President Knowlton and Assistant Fire Chiefs Smouse and Gilbert will be reimbursed for any and all authorized expenses incurred.
Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

ANYONE TO BE HEARD (CONTINUED)

Mr. Chad Jespersen, P.E., of Greenman-Pedersen, Inc., a local engineering and construction firm introduced himself to members of the Board of Trustees and noted GPI will be submitting a Request for Proposal, May 24th in connection with the Lakewood/Busti Stormwater Management Engineering Study. If GPI is awarded the grant, he is hopeful it will lead to other projects in the future.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees at 7:29 PM, so as to enter into executive session.
Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

EXECUTIVE SESSION

Present at the executive session were Mayor Cara Birittieri, Trustee Susan F. Drago, Trustee Randall G. Holcomb, Trustee Edward J. McCague, Village Attorney John I. LaMancuso, Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft and D.P.W. Supervisor Thomas R. Pilling. Motion by Trustee McCague, seconded by Trustee Holcomb, to adjourn the executive session at 8:42 PM.
Adopted: 3 ayes, no nays (Drago, Holcomb, McCague)

Motion by Trustee Drago, seconded by Trustee McCague, and unanimously carried, the Board adjourned at 8:43 PM.

Joseph M. Johnson
Village Clerk

