

OCTOBER 23, 2017

The twentieth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, October 23, 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, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent were Police Chief John R. Bentley and Building Inspector Jeffrey A. Swanson.

MOMENT OF SILENCE

Mayor Birrittieri asked members of the Board of Trustees and those present to join her in a moment of silence in honor and memory of former Village of Lakewood employee Mr. Ronald A. "Skip" Vincent, who died October 19, 2017. Mr. Vincent worked for the Department of Public Works as a Motor Equipment Operator and Lead Mechanic from June 1, 1973 until his retirement December 1, 1992. Mayor Birrittieri said our sincere condolences go out to Mr. Vincent's family and friends.

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 October 10, 2017. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

AUDIT OF CLAIMS

Motion by Trustee McCague, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstract dated October 23, 2017, be approved and that the Clerk shall execute said abstracts (#19 & #20) and direct payment by the Treasurer. Trust & Agency Fund: \$ 56,147.45, (Checks #4237 thru #4245), General Fund: \$ 112,383.30, (Checks #14204 thru #14245) Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

REPORTS

Mayor Birrittieri reported the Events & Marketing Committee recently met and they are working hard in putting together this year's Christmas in the Village event, which will be held Saturday, December 9th, from 10:00 AM - 4:00 PM, followed by a Christmas Tree Lighting ceremony at 5:00 PM. Mayor Birrittieri said the community event includes horse drawn trolley rides, reindeer, Mr. & Mrs. Claus, caroling and Christmas Lighting contests for residences and businesses. Mayor Birrittieri said she is pleased to announce that Benderson Development Company has given the Village of Lakewood permission to utilize the former Wilson Farms building and parking lot as the event's vendor area. Mayor Birrittieri indicated that she and members of the committee have already met with representatives from Jamestown Awning about supplying the tent and heaters for the vendor area. She said Jamestown Awning has graciously agreed to donate tables and chairs for use in the vendor area.

Mayor Birrittieri indicated that about thirty letters have been mailed to

area businesses urging them to consider becoming Christmas in the Village sponsors, to help defray the overall cost of the event.

Changing subjects, Mayor Birrittieri indicated there will be a Fall Planning & Zoning Training Seminar Wednesday, November 8th, (JCC - Jamestown Campus) and Thursday, November 9th, (JCC - Olean Campus), which again are being sponsored by Southern Tier West, Salamanca, N.Y.

OCTOBER 23, 2017 (CONTINUED)

Mayor Birrittieri concluded her report by noting per a letter she received from the local New York State Department of Transportation representative, forty million dollars in federal Highway Safety Improvement Program funds will be available statewide for counties, cities, towns or villages to undertake pedestrian safety projects as identified in the New York State Pedestrian Safety Action Plan. Mayor Birrittieri indicated that no matching funds are required and that the application deadline is March 9, 2018. She said it might be a good idea for members of the Board of Trustees, Comprehensive Plan Implementation Committee and the D.P.W. Supervisor to share some thoughts on how and where to best utilize the available funding.

Trustee Drago indicated the intersections at East Fairmount Ave. and Mall Blvd. and East Fairmount Ave. and Fairdale Ave. are nearly impossible for pedestrians to cross safely. As soon as there is a red light for pedestrians to cross, green turn arrows are activated allowing motorists to turn into the pedestrians attempting to cross.

Department of Public Works Supervisor Thomas R. Pilling reported that the stormwater drainage project on Mall Blvd. has been completed and the sidewalk replacement project underway on East Third Street is nearing completion. Mr. Pilling said this week the D.P.W. will be completing some small projects and get equipment ready for the annual leaf pick-up which will begin Monday, October 30th.

Trustee McCague indicated to Mr. Pilling a resident had previously asked if the hours of the brush dump on Packard Ave. could be expanded to allow those who work throughout the week a chance to take their yard waste to the site on Saturdays. Because it is late in the year, adjusting the times when the site is open to residents might be something to think about for next spring.

Mr. Pilling said the site had been open on Saturday mornings throughout the summer and earlier in the fall when the seasonal Park's employee was on staff. He then reminded everyone there is a smaller gate on the east side of the site which is open all the time. When the gate is left open the site needs to be monitored.

Mayor Birrittieri said it is something to consider and think about for next year.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to six hundred eighty-two alarms year to date. He also reported that the LFD has finally sold the 1993 Sutphen Pumping Engine to the Conewango Fire District for \$ 25,000.00, which is payable to the Village of Lakewood. Chief Hallberg said in having met with the Finance Committee, it was a suggestion of theirs for the Village of Lakewood to create a dedicated capital fund to have access to when purchasing pieces of equipment in the future. He said the time might be right to do just that.

Village Treasurer Windoft indicated with the ratification of the new labor contract/agreement between the Village of Lakewood and the CSEA Local 1000 AFSCME, AFL-CIO, Lakewood Police Unit #6320, Local #807, the new pay rates for those police officers belonging to the police union, will go into effect this current payroll period of October 11th thru October 24th. Mrs. Windoft indicated the retro pay for the period of June 1, 2017 through October 10, 2017 will be included in their regular paycheck dated October 27, 2017. It was noted by Treasurer Windoft during that timeframe Officer M. A. Lundsten experienced a step up in his pay rate and that the retro pay will total less than \$ 3,000.00.

RESOLUTION #157-2017 - RATIFY NEW POLICE UNION LABOR CONTRACT/AGREEMENT

Motion by Trustee McCague, seconded by Trustee Drago, per the recommendation of Mayor Birrittieri, the Board of Trustees hereby ratifies the finalized Lakewood-Busti Police Union Labor Contract Agreement between the Village of Lakewood and the CSEA, Inc. Local 1000 AFSCME, AFL-CIO, Village of Lakewood Police Unit #6320, Chautauqua County Local #807. The terms of the Contract/Agreement are retroactive to June 1, 2017 and run through May 31, 2020.

Adopted: 4 ayes, no nays, 1 Abstention (Birrittieri, Drago, Holcomb, McCague) (Barnes)

OCTOBER 23, 2017 (CONTINUED)

RESOLUTION #158-2017 - APPROVE RETIREMENT PLAN 384-e FOR ELIGIBLE L-BPD MEMBERS

At a meeting of Board of Trustees of the Village of Lakewood, New York, on October 23, 2017, Trustee Randall G. Holcomb offered the following resolution, seconded by Trustee Edward J. McCague, BE IT RESOLVED: that the Board of Trustees of the Village of Lakewood does hereby elect to provide additional benefits of Section 384-e of the Retirement and Social Security Law for any member of its Police Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended.

Adopted: 4 ayes, no nays, 1 Abstention (Birrittieri, Drago, Holcomb, McCague) (Barnes)

DISCUSSION - BASEBALL FIELD AGREEMENT

Trustee Barnes indicated Fire Company President Jackson Knowlton could not be in attendance this evening, however he wanted to let members of the Board of Trustees know that he hopes the document as written is agreeable to them and that the dugouts for the baseball field will be built by the end of the year, weather permitting. Trustee Barnes said if bad weather sets in before they can be built this year, they will be built first thing in the spring of next year.

Mayor Birrittieri said having read through the document, believes the language in a certain article could be improved upon. She suggested that Article #7 of the document include the word softball as well as baseball in describing the playing field. Mayor Birrittieri also said she has an issue with the word public as noted in Article #7 not knowing if the wording could prevent baseball tournaments from being conducted on the new field.

When asked for his input on the word public as it describes the type of baseball to be played on the new field, Village Attorney said he is not sure what is intended by using the word public in Article #7.

Trustee McCague indicated to Mr. LaMancuso it appears the intent of Article #7 is to only allow baseball to be played on the field and if the word public were to be deleted it would allow private organizations to rent the field, thereby use of the field wouldn't be restricted to the general public.

Mayor Birrittieri said Article #7 should also include the word softball.

Trustee McCague suggested to Mr. LaMancuso as a compromise in an effort to approve the agreement this evening, could the wording in Article #7 be amended to include the word softball and for the word public to be deleted. Both parties could then initial the changes without having to re-write the document.

Mayor Birrittieri said she is also somewhat uncomfortable with the language in Article #11 of the document, in particular where it states no other entity other than Southwestern Area Sports shall have any authority to regulate the use of the new baseball field.

Trustee Drago and Trustee Barnes indicated to Mayor Birrittieri they believe the document is worded that way as a means to eliminate any mix-ups in scheduling use of the field as opposed to it being left up to more than one entity.

RESOLUTION #159-2017 - APPROVE FIREMANS FIELD AGREEMENT

Motion by Trustee Barnes, seconded by Trustee McCague, for the Board of Trustees to approve the Agreement between the Village of Lakewood and the Lakewood Volunteer Fire Company, Inc., as written, with the exception to amend Article #7, to include the word softball and delete the word public, and to have the two changes initialed by both parties.

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

OCTOBER 23, 2017 (CONTINUED)

RESOLUTION #160-2017 - APPROVE USE OF VILLAGE STREETS

Motion by Trustee Barnes, seconded by Trustee Drago, authorizing the Lakewood Family YMCA to make use of Village of Lakewood streets as the route for the 17th Annual Amy King Memorial 5K Race & Walk, to be held 11:00 AM, Saturday, November 25, 2017.

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

RESOLUTION #161-2017 - APPROVE USE OF VILLAGE STREETS

Motion by Trustee Barnes, seconded by Trustee Drago, authorizing the Chautauqua Striders, Jamestown, N.Y., to make use of Village of Lakewood streets on which to conduct their 2018 Winter 5K Series. The individual races are scheduled for January 6th, January 13th, January 27th, February 10th and February 17th.

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

DISCUSSION - CHAUTAUQUA LAKE PARTNER COMMUNITY OUTREACH

Mayor Birrittieri indicated that the Chautauqua Lake Partnership (CLP) is reaching out to local municipalities and community members to move forward in the completion of a \$ 200,000.00 Supplemental Environmental Impact Study (SEIS) that will include areas located in the south basin of Chautauqua Lake.

Mayor Birrittieri noted the Chautauqua Lake Partnership is looking for co-lead agencies with respect to the Supplemental Environmental Impact Study. She then suggested to members of the Board of Trustees that the Village of Lakewood consider joining the efforts of the Chautauqua Lake Partnership by sending them a letter of intent to become a co-lead agency. Mayor Birrittieri indicated that although the funding partnership for participating villages has been set at \$ 5,000.00 by the CLP, suggested that the Village of Lakewood send a letter of intent and a check in the amount of \$ 500.00 supporting their efforts. Mayor Birrittieri said additional funding for the Chautauqua Lake Partnership can be considered during 2018-2019 Village budget discussions.

Trustee Barnes said, as a lakeside community, it is only right to support the efforts of the Chautauqua Lake Partnership in this way.

RESOLUTION #162-2017 - AUTHORIZE LETTER OF INTENT & CONTRIBUTION TO THE CLP

Motion by Trustee McCague, seconded by Trustee Barnes, per the recommendation of Mayor Birrittieri, for the Village of Lakewood to send a letter of intent to the Chautauqua Lake Partnership (CLP) to consider becoming a co-lead agency in connection with the Supplemental Environmental Impact Study (SEIS) along with a donation of \$ 500.00 in support of their lake management projects.

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

REPORTS (CONTINUED)

Prior to adjourning tonight's meeting, Department of Public Works Supervisor Thomas R. Pilling asked Mayor Birrittieri and members of the Board of Trustees for clarification as to what expenses the Village of Lakewood is expected to incur and exactly what expenses are the developers expected to incur in connection with work being considered between the southerly wall of the former Yesterdays Restaurant Bar & Grille and the earthen embankment in Recognition Park.

OCTOBER 23, 2017 (CONTINUED)

Mr. Pilling said it is going to be necessary to rent a piece of equipment to excavate along the wall and wondered if equipment rental would be considered materials necessary for this project, because the developers implied they would incur the costs for any and all materials while the Village of Lakewood would incur in-kind services and labor costs. Mr. Pilling said the excavator will cost \$ 300.00 per day and the job will probably take two days. Excavating the earth along the building's southerly wall plus the stormwater drainage work will be completed as soon as possible to allow the contractor to repair the interior side of the wall.

Trustee Drago said she believes equipment rental should be considered

material costs.

Mayor Birrittieri indicated that at a previous meeting of the Board of Trustees, the developers reported they would be willing to pay for all the materials required to complete the necessary work to be done between the southerly wall of the building at 103 Chautauqua Ave. and Recognition Park.

Mr. Pilling said after talking with representatives of the developers, he plans on installing a new retaining wall, like the one the D.P.W. crew installed along East Terrace Ave., along the north edge of Recognition Park, between the building and the sidewalk. The question he has, should the wall be located on property known as 103 Chautauqua Ave. or within the boundaries of Recognition Park. Mr. Pilling said the developers of 103 Chautauqua Ave. have already agreed to pay for the new block retaining wall, however work on the wall wouldn't be done until spring 2018.

Mayor Birrittieri asked how would the proposed retaining wall impact Recognition Park.

Mr. Pilling said the wall would just take-up a couple extra feet of the park property.

Mr. Pilling also said the developers would like to see the apron to the property off Chautauqua Ave. converted into an extra parking space. Mr. Pilling said he doesn't have a cost breakdown to remove the concrete apron, construct new curbing and/or re-set any paver blocks. A project such as this is outside the realm of what the D.P.W. crew would be able to do. Also, it could be costly to transform that area into one extra parking spot.

Trustee Drago asked if the area could remain as it is.

Mr. Pilling said it could, but that's a decision for the Board of Trustees.

Trustee McCague said parking is so precious along Chautauqua Ave. He then asked if the Chautauqua County Department of Public Facilities is expected to improve the area along East Summit Street adjacent to 103 Chautauqua Ave.

Changing subjects, Trustee Drago asked that the Board of Trustees come to some resolution regarding the extension of the current Time Warner Cable Television Franchise Agreement and suggested that the matter be placed on the agenda of the first meeting in November.

Mayor Birrittieri said she is still reviewing the document and didn't think Time Warner Cable/Spectrum is in any rush for a decision.

Village Treasurer Andrea J. Windoft asked Trustee Drago, if she, as the Lakewood Memorial Library liaison, has received any information on how much money their fund raiser, "Food for Thought", held Friday, September 22nd, generated.

Trustee Drago indicated to Treasurer Windoft as soon as the final figures become available she'll let her know.

OCTOBER 23, 2017 (CONTINUED)

Motion by Trustee Barnes, seconded by Trustee Drago, and unanimously carried,
the Board adjourned at 7:13 PM.

Joseph M. Johnson
Village Clerk