

DECEMBER 27, 2016

The twenty-fourth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Tuesday, December 27, 2016 at 6:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, and Susan F. Drago. 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 David J. Di Salvo, Trustee Randall G. Holcomb and Fire Chief Kurt W. Hallberg.

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 December 12, 2016. Adopted: 3 ayes, no nays (Birrittieri, Barnes, Drago)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstract dated December 27, 2016, be approved and that the Clerk shall execute said abstracts (#31 & #32) and direct payment by the Treasurer. Trust & Agency Fund: \$ 65,382.34, (Checks #3978 thru #3990), General Fund: \$ 55,026.68, (Checks #13340 thru #13383) Adopted: 3 ayes, no nays (Birrittieri, Barnes, Drago)

REPORTS

Mayor Birrittieri said she hoped everyone had a wonderful Christmas and wished those celebrating Hanukkah this week a happy holiday.

Mayor Birrittieri then mentioned she received a letter from Mr. Sam Whitmore, owner of Bag & String Wine Merchants, who thanked her and the Events & Marketing Committee for the wonderful Christmas in the Village event held Saturday, December 10th. In the letter Mr. Whitmore also noted the additional foot traffic along Chautauqua Ave. during the event and the many new faces that experienced his store. Mr. Whitmore also expressed his thanks to D.P.W. Supervisor Thomas Pilling and his crew for their snow removal efforts and Mr. Scott Mekus, the Events & Marketing Committee co-chair, the mastermind behind some of the new activities added to this year's Christmas in the Village event.

Mayor Birrittieri said it was good to know that this year's event triggered an uptick in foot traffic for the vendors and merchants. She noted 2017's first meeting of the Events & Marketing Committee will be held at 6:30 PM, Tuesday, January 3rd. Everyone is invited to attend. The meeting's agenda will include a recap of the Christmas in the Village event and the initial planning of a spring 2017 wellness event.

Mayor Birrittieri said there was a very nice write-up with photos in the region section of yesterday's Post-Journal on the Christmas in the Village event, which was in addition to the Lakewood Lens article in last Saturday's edition which spoke highly of this community event.

Mayor Birrittieri also reported that the Lakewood Ledger, a new weekly paper, published by Zimmer Media, is expected to make its debut sometime in January 2017. Anyone with story ideas are asked to contact the paper's publisher, Ms. Jeanine Zimmer.

In closing, Mayor Birrittieri wished everyone a happy, healthy and prosperous New Year.

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Department of Public Works Supervisor Thomas R. Pilling reported the new dump truck has been delivered and after it is inspected and outfitted with a new plow frame and hydraulics, he is hopeful to be able to put it into service by the end of next month. Mr. Pilling also asked for Mayor Birrittieri to consider signing the New York State Department of Environmental Conservation Contract Agreement regarding the construction of a wetland along Crescent Creek, between East Summit Street and the WNY & PA Railroad.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to ten thousand one hundred eighty-four reportable incidents year-to-date and that the department's new body cameras have been delivered and are being programmed. Chief Bentley said he is hopeful the cameras will be put into service early next month.

Village of Lakewood Attorney John I. LaMancuso said, as with D.P.W. Supervisor Pilling, the NYS DEC Contract Agreement is something he will address during the old business portion of tonight's meeting.

Village Treasurer Andrea J. Windoft reported she has made all the transfers with respect to the revenues and expenses associated with the Christmas in the Village event, ending with a balance of approximately \$ 160.00.

Building Inspector Swanson reported that a couple of commercial construction projects are moving forward and that the paperwork in connection with the NYSERDA grant, regarding Benchmarking, which is one of the four qualifying high-impact actions in becoming a Clean Energy Community, has been submitted.

Mr. Swanson said he recently met with NYSERDA Inspectors and with their help and guidance conducted a few local inspections. They then left with three sets of drawings for local projects which will be reviewed for energy compliance. Building Inspector Swanson said he did learn that regardless of the scale of a project NYSERDA has teamed-up with a company which will review drawings for energy compliance at no cost to the municipality and advise the local inspector accordingly. Mr. Swanson said New York State now requires plans for new construction as well as additions to pass energy efficiency guidelines. Mr. Swanson said having New York State assist with the energy portion of the plan review process is another tool he didn't know he had.

Trustee Barnes asked Mr. Swanson if New York State bills the developer or the contractor for inspecting their plans for energy compliance.

Building Inspector Swanson said the plan review program is being entirely funded by New York State.

Mayor Birrittieri asked Mr. Swanson if NYSERDA would consider doing an energy

audit of this building.

Mr. Swanson said this particular program reviews construction drawings rather than conducting energy audits. Getting back to the NYSERDA grant application Mr. Swanson said by next week the Village of Lakewood should be in good position to complete three of the four required high impact actions on its way to becoming a Clean Energy Community. By doing so would put the Town of Busti and the Village of Lakewood number one and two within this district in the running for the available grant money.

Mr. Swanson said there is a question as to whether or not municipalities within Chautauqua County will be able to complete and put into practice the Energize New York Finance as a high-impact action. He noted an alternative high-impact action that could be undertaken is Clean Fleets, by installing a minimum of two (2) Level 2 electric vehicle charging stations. The estimated cost to do so would be \$ 3,000.00 - \$3,500.00.

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COMMITTEE REPORTS

Trustee Barnes, speaking on behalf of the Public Safety Committee, said she has talked with Mr. Julius Leone, Chautauqua County's Director of Emergency Services, and he has agreed to have a couple staff members attend the Board of Trustees work session on Monday, January 23, 2017, to briefly explain Chautauqua County's "Fly-Car"/ambulance system.

ANYONE TO BE HEARD

Mr. David Card, 36 Chautauqua Ave., said because the Village of Lakewood owns the street lights on Chautauqua Ave., would it be possible to change-out the existing fixtures to LED (Light-Emitting Diodes), fixtures in order to complete one of the four required High-Impact Actions in an effort to qualify for the NYSERDA grant. Doing so wouldn't involve National Grid, which owns and maintains the balance of the street lights throughout the Village of Lakewood.

Trustee Barnes said although she has looked into the matter previously, she is reminded to research the possibility of changing-out the existing street lighting fixtures to LED lights every time she drives through the Village of Mayville at night. She has learned that the cost to do so has come down considerably over time.

Building Inspector Swanson indicated that there will likely be a second round of NYSERDA grants coming out later in 2017 or in early 2018.

RESOLUTION #217-2016 - POSTPONE PUBLIC HEARING RE: NYSERDA GRANT APPLICATION

Motion by Trustee Barnes, seconded by Trustee Drago, to postpone the public hearing to Establish an Energy Loan Program in connection with a New York State Energy Research & Development Authority (NYSERDA) Grant application, which had previously been scheduled for 6:40 PM this evening, until 6:35 PM, Monday, January 9, 2017.

Adopted: 3 ayes, no nays (Birrittieri, Barnes, Drago)

DISCUSSION: NYS DEC CONTRACT AGREEMENT RE: WETLAND CONSTRUCTION

Mayor Birrittieri indicated that action by the Village of Lakewood to procure this award from the NYS DEC was initiated nearly two years ago by former Mayor David T. Wordelmann. Mayor Birrittieri then asked D.P.W. Supervisor Pilling to provide a little background on this proposed project.

Mr. Pilling indicated the NYS DEC under this contract/agreement will provide the Village of Lakewood with \$ 100,000.00 to construct a wetland along the section of Crescent Creek between the WNY & PA Railroad and East Summit Street. The Village of Lakewood is obligated to match the \$ 100,000.00 with a like amount of in-kind services, such as manpower/labor and equipment. In a nutshell, Mr. Pilling said, while referencing the wetland conceptual plan as prepared by EcoStrategies Civil Engineering, Falconer, N.Y., following significant rain events the creek's storm water, after flowing under the railroad tracks will enter the forebay of the proposed wetland where it will be slowed down and temporarily retained. As the storm water flows through the designed wetland allowing much of the water's sediment will be deposited within the wetland, before it re-enters the creek and flows under East Summit Street and East Terrace Ave. before being discharged into Chautauqua Lake. Mr. Pilling said this project, along with other work done within the banks of Crescent Creek previously, should reduce the amount of sediment that enters Chautauqua Lake and reduce the chances of the creek flooding. Mr. Pilling said the areas of the wetland where sediment will collect will be cleaned out periodically as necessary by the D.P.W. crew.

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Mr. Pilling said of the \$ 100,000.00 to fund this project approximately \$ 15,000.00 will go to pay engineering expenses with the remaining \$ 85,000.00 to pay for materials. Mr. Pilling also indicated he recommends the Village of Lakewood applies for the 25% advance payment of \$ 25,000.00.

Village Treasurer Andrea Windoft indicated it would be her suggestion to incorporate the monies (revenues/expenses) associated with the project into the budget.

Trustee Drago asked Mr. Pilling to explain how or where will the \$ 85,000.00 to \$ 100,000.00 of in-kind services be provided or come from.

Mr. Pilling indicated to Trustee Drago that the D.P.W. will provide most if not all the manpower/labor and equipment (loader, back-hoes, bull-dozer, chipper, dump trucks) necessary to complete this project. He added it won't take too long for the in-kind service costs to add up.

Village Attorney LaMancuso indicated he had a chance to review the NYS DEC Contract Agreement, with attachments, and it all appears to be in good order. Mr. LaMancuso said there are NYS Voucher Forms included with the document, which can be filled out and sent in for reimbursement as project costs are incurred. Mr. LaMancuso noted the document reminds the contractor (Village of Lakewood) that they will be responsible for any cost overruns and/or any necessary permit fees.

RESOLUTION #218-2016 - APPROVE NYS DEC CONTRACT AGREEMENT

Motion by Trustee Barnes, seconded by Trustee Drago, for the Board of Trustees to approve the New York State Department of Environmental Conservation Contract Agreement, whereby the Village of Lakewood, as the contractor, will construct a wetland along Crescent Creek between East Summit Street and the Western New York & Pennsylvania Railroad, whereby they will be reimbursed the engineering and material costs, totaling \$ 100,000.00 and to authorize Mayor Birrittieri to execute same.

Adopted: 3 ayes, no nays (Birrittieri, Barnes, Drago)

RESOLUTION #219-2016 - AUTHORIZE MID-YEAR BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to make the following mid-year budget transfers due to account overages. Transfer \$ 507.00 from Account #A9015.80, (Police & Fire Retirement System) into Account #A9010.80, (Employee Retirement System) and transfer \$ 4,896.00 from Account #A9060.80, (Medical Insurance) into Account #9060.81, (Medical Insurance Buy-outs).

Adopted: # ayes, no nays (Birrittieri, Barnes, Drago)

RESOLUTION #220-2016 - AUTHORIZE BUILDING OFFICIALS CONFERENCE ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Barnes, authorizing Building Inspector Jeffrey A. Swanson to attend the annual Finger Lakes Building Officials Association, Inc. (FLBOA), Educational Conference to be held March 13th - March 16th in Rochester, New York. Mr. Swanson will be reimbursed for any and all authorized expenses incurred.

Adopted: 3 ayes, no nays (Birrittieri, Barnes, Drago)

DECEMBER 27, 2016 (CONTINUED)

RESOLUTION #221-2016 - ACCEPT RESIGNATION OF PART-TIME POLICE OFFICER

Motion by Trustee Drago, seconded by Trustee Barnes, for the Board of Trustees, per the recommendation of Police Chief John R. Bentley, to accept the resignation of Part-Time Police Officer Aaron M. Town effective January 2, 2017. Officer Town, who has worked for the Lakewood-Busti Police Department since February 2015, has accepted a full-time position with the Chautauqua County Sheriff's Department.

Adopted: 3 ayes, no nays (Birrittieri, Barnes, Drago)

DISCUSSION: PART-TIME POLICE OFFICER POSITION

Police Chief Bentley respectfully asked Mayor Birrittieri and the Board of Trustees for permission to commence the search for a part-time police officer to fill the vacancy created by Officer Town's resignation. Chief Bentley indicated within the local law enforcement community many officers are going

to be retiring in the very near future, which are likely going to be filled by current part-time officers, leaving the search for new part-time officers a challenge. Chief Bentley said right now there aren't enough qualified candidates to fill the vacancies that are going to occur when it comes to part-time police officers. Chief Bentley says he foresees retaining the current number of part-time officers in the L-BPD to become a major issue. Those currently enrolled in the Police Academy are going to be in great shape in getting a part-time job in law enforcement upon graduation.

Mayor Birrittieri asked Chief Bentley if there are police academies elsewhere in NYS through which potential candidates could be recruited.

Chief Bentley said there really isn't. Most other police academies across New York State are what is referred to as a Part I academy, where a graduate would need a considerable amount of additional training before he or she could fill a vacant position.

Mayor Birrittieri asked Chief Bentley if there are any incentives in place to retain current part-time officers working for the L-BPD. She then asked if it would be feasible to consolidate a couple of part-time positions to create an additional full-time position.

Chief Bentley said the L-BPD does pay its part-time officers a little more than most law enforcement agencies and when possible, he hires new full-time officers from within.

Trustee Barnes said she would caution jumping to the conclusion to hire more full-time police officers due to the fact that it becomes a major expense for a small community. Over a twenty year career of that full-time police officer, taking into consideration salary and benefits, it is a million dollar job. Trustee Barnes doesn't want to see the Village of Lakewood price itself out of being able to provide law enforcement services, which needs to be looked at long term.

Chief Bentley indicated that there are a couple current full-time police officers that are eligible to retire but they are looking for an incentive to do so, which might become a topic for discussion during the upcoming police contract negotiations.

RESOLUTION #222-2016 - AUTHORIZE PERMISSION TO HIRE NEW PART TIME POLICE OFFICER

Motion by Trustee Barnes, seconded by Trustee Drago, authorizing L-BPD Police Chief Bentley to commence the search and hiring of a new Part-Time Police Officer in order to fill the vacancy created by the resignation of Officer Town.

Adopted: 3 ayes, no nays (Birrittieri, Barnes, Drago)

DECEMBER 27, 2016 (CONTINUED)

Motion by Trustee Barnes, seconded by Trustee Drago and unanimously carried, the Board adjourned at 7:12 PM.

Joseph M. Johnson
Village Clerk