

NOVEMBER 27, 2017

The twenty-second regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, November 27, 2017, 6:30 PM, with Deputy Mayor Edward J. McCague presiding. Trustees present were Ellen E. Barnes, Susan F. Drago and Randall G. Holcomb. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney John I. LaMancuso and Fire Chief Kurt W. Hallberg. Absent were Mayor Cara Birrittieri, Department of Public Works Supervisor Thomas R. Pilling and Building Inspector Jeffrey A. Swanson.

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 November 13, 2017. Adopted: 4 ayes, no nays (McCague, Barnes, Drago, Holcomb)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstract dated November 27, 2017, be approved and that the Clerk shall execute said abstracts (#25, & #26), and direct payment by the Treasurer. Trust & Agency Fund: \$ 57,536.13, (Checks #4267 thru #4278), General Fund: \$ 54,007.60, (Checks #14303 thru #14328) Adopted: 4 ayes, no nays (McCague, Barnes, Drago, Holcomb)

REPORTS

In her absence Deputy Mayor McCague delivered Mayor Birrittieri's report by noting she and the Christmas in the Village committee are anticipating a wonderful turnout for this year's event which is scheduled for 10:00 AM - 5:30 PM, Saturday, December 9th. Local businesses have stepped forward and have agreed to share in sponsoring this community minded event and have made it possible to bring Christmas in the Village back to the Village of Lakewood for a second straight year. He said vendors will be selling their wares from 10:00 AM - 4:00 PM either under a tent to be located in the former Wilson Farms store parking lot, in the former Wilson Farms building, or in Lakewood Memorial Library.

Deputy Mayor McCague indicated activities throughout the day include horse drawn trolley rides from 2:00 PM - 5:00 PM, a visit from Santa & Mrs. Claus, free hot chocolate & cookies, basket raffle, an all day wood carving exhibit, special hours and buys at Chautauqua Ave. merchants, tree lighting ceremony plus holiday lighting contests for both residential and commercial properties.

Deputy Mayor McCague said Mayor Birrittieri also wanted to remind those employees that qualify there will be a question and answer session on the Village of Lakewood's 2018 health insurance plan, 6:00 PM tomorrow here in the Board Room of the Anthony C. Caprino Municipal Building. Ms. Krystal Waite, Employees Benefits Consultant for Northwest Insurance Services will conduct the Q & A session.

Police Chief John R. Bentley reported that the Lakewood-Busti Police

Department has handled eight thousand five hundred ninety-five incidents year-to-date, three hundred eighteen of which occurred during the past two weeks. Chief Bentley said the L-BPD has been busy and recently executed a search warrant at a Pine Ridge Road house owned by a known motorcycle gang member and ended up dismantling a methamphetamine production operation, while confiscating quantities of methamphetamine, marijuana and firearms. Chief Bentley said the search warrant, which was planned out in the L-BPD conference room, with assistance from the Southern Tier Drug Task Force, resulted in one arrest, more arrests likely to follow.

NOVEMBER 27, 2017 (CONTINUED)

On an unrelated matter, Chief Bentley said officers responded to a suspicious package left in front of the Dollar Tree store a week ago yesterday. The suspicious package turned out to be a bottle of methamphetamine which was ready to explode. Chief Bentley thanked Fire Chief Hallberg and the LFD for responding to the scene and suppressing the potentially dangerous situation.

Chief Bentley also reported that there has been a recent rash of larcenies wherein perpetrators enter unlocked vehicles during night time hours and steal anything and everything out of them. He implored folks to be sure to lock their vehicles when left unattended. In conclusion, Chief Bentley also noted the L-BPD assisted the Lakewood Fire Department while they responded to an EMS call on Fairdale Ave. when a third party became disruptive and engaged the Emergency Medical Technicians (EMTs) when she tried to prevent her boyfriend from being transported to the local hospital.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to seven hundred fifty-three incidents year-to-date, while responding to sixty-two incidents in the month of November so far. Chief Hallberg indicated other than routine emergency medical service (EMS) calls, the LFD recently responded to a dump truck fire off Sunset Drive. He also noted vehicles and miscellaneous equipment, such as air packs, etc., are undergoing their annual inspection and service.

Deputy Mayor McCague asked Chief Hallberg if repairs to the aerial ladder truck's waterway system has been completed yet.

Chief Hallberg said the replacement parts have not yet been received to make the necessary repairs.

COMMITTEE REPORTS

Lakewood Memorial Library liaison Trustee Drago indicated per a memo from library President Mary McCague, that they will be participating in this year's Christmas in the Village event, Saturday, December 9th, as a site for six (6) of the vendors. The library will also have fun activities throughout the day from 9:30 AM - 4:00 PM, plus free hot chocolate.

RECESS

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

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

PUBLIC HEARING - 6:40 PM
PROPOSED LOCAL LAW #2-2017
AMENDING LOCAL LAW #7-2016
RE: APPOINTMENT OF TWO ALTERNATES
TO THE ZONING BOARD OF APPEALS

Deputy Mayor McCague opened the public hearing at 6:40 PM, and asked if there was anyone in attendance that wishes to be heard concerning Local Law #2-2017 as proposed, amending Local Law #7-2016, calling for the Board of Trustees to be empowered to appoint two (2) alternates to the Zoning Board of Appeals versus just one (1) as was originally proposed via Local Law #7-2016.

With no one to be heard, Deputy Mayor McCague closed the public hearing at 6:42 PM, and proceeded to reopen the regular meeting of the Board of Trustees.

NOVEMBER 27, 2017 (CONTINUED)

COMMITTEE REPORTS (CONTINUED)

Trustee Holcomb reported that any work associated with the New York State Energy Research & Development Authority (NYSERDA) grant which was awarded to the Village of Lakewood cannot commence until the Village of Lakewood enters into a contract/agreement with NYSERDA, detailing the work to be done in connection with the High-Impact Actions that were selected. Mr. Holcomb said he is hopeful to make a progress report at the next meeting of the Board of Trustees.

RESOLUTION #173-2017 - APPROVE EMPLOYEES' HEALTH INSURANCE PLAN FOR 2018

Motion by Trustee Holcomb, seconded by Trustee Drago, that the Board of Trustees approve Independent Health's iDirect Gold Copay plan as the Village of Lakewood employees' health insurance plan for 2018 and authorize Mayor Birrittieri to execute the plan's premium rate agreement.
Adopted: 4 ayes, no nays (McCague, Barnes, Drago, Holcomb)

RECESS

Motion by Trustee Barnes, seconded by Trustee Holcomb to recess the regular meeting so as to conduct a previously scheduled public hearing.
Adopted: 4 ayes, no nays (McCague, Barnes, Drago, Holcomb)

PUBLIC HEARING - 6:45 PM
SPECIAL USE PERMIT APPLICATION:
SELLING & SERVING OF ALCOHOLIC BEVERAGES
LA COCINA MEXICAN RESTAURANT/BAR
273 EAST FAIRMOUNT AVE.

Mr. Usiel Fuentes, proprietor of the La Cocina Mexican restaurant, 5 West Fairmount Ave., has submitted an application for a Special Use Permit

regarding a proposal to relocate the La Cocina Mexican restaurant to 273 East Fairmount Ave., (former Wing City Grille), at which he intends to sell and serve alcoholic beverages. In accordance with Section #25-6, [Definitions], and Section #25-14, (C-14), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law, a Bar is defined as any establishment, however designated, at which alcohol is sold for consumption on premises as a primary use to twenty-five percent (25%) or more of the patrons [minimum of ten (10) on a regular basis], requiring a Special Use Permit. A restaurant that caters to the sale of alcoholic beverages at certain portions of the of the operating hours shall be considered to be a dual use restaurant/bar for the purpose of this local law.

With no one to be heard, Deputy Mayor McCague, closed the public hearing at 6:49 PM and proceeded to reopen the regular meeting of the Board of Trustees.

RESOLUTION #174-2017 - APPROVE SPECIAL USE PERMIT APPLICATION

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Board of Trustees to grant/approve the Special Use Pemrit application as submitted Mr. Usiel Fuentes, whereby he will be allowed to sell and serve alcoholic beverages at the La Cocina Mexican restaurant being proposed in the former Wing City Grille location, 273 East Fairmount Ave., in accordance with Section #25-6, [Definitions], and Section #25-14, (C-14), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law.
Adopted: 4 ayes, no nays (McCague, Barnes, Drago, Holcomb)

NOVEMBER 27, 2017 (CONTINUED)

ANYONE TO BE HEARD

Mr. Thomas Marlinski, 36 Ohio Ave., indicated to Deputy Mayor McCague and members of the Board of Trustees there is still a major problem with loud music, people yelling and noise emanating from Craft Burgers and Brews on Friday and Saturday evenings. Mr. Marlinski said it was Kareoke night and the noise was horrendous, adding it gets worse every week. Mr. Marlinski said he ends up calling the police every weekend. Officers from the Lakewood-Busti Police Department respond, the music is turned down, however when they leave, the music is turned-up again. Mr. Marlinski said on the Wednesday night before Thanksgiving, the band played after 10:00 PM.

Deputy Mayor McCague asked Mr. Markinski if he filed a complaint with the police department.

Mr. Marlinski said he did.

Police Chief Bentley indicated that he had a discussion with Mr. Ryan Thayer, proprietor of Craft Burgers & Brews earlier in the day, who indicated he would be willing to talk with Mr. Marlinski about the musical groups scheduled on the weekends.

Mr. Marlinski said he would be satisfied if the groups playing amplified music would move from the outside deck to inside the building.

Chief Bentley asked Mr. Thayer to keep the music down and that he will advise the night sergeant and fellow officers accordingly. Chief Bentley indicated to Mr. Marlinski individuals impacted by the loud music and other noises

should do their civic duty to come forward and submit signed statements concerning this matter. Chief Bentley said the more statements made the more weight the complaint will have, if it ends up before a judge. He said submitting signed statements is just part of the overall legal process that individuals need to follow when making a complaint.

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried the Board adjourned at 7:00 PM.

Joseph M. Johnson
Village Clerk