

MARCH 28, 2016

The sixth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, March 28, 2016 at 6:00 PM, with Deputy Mayor David J. Di Salvo 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 Edward P. Wright, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson. Absent was Mayor Cara Birrittieri.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held March 14, 2016. Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Holcomb, that the claims as audited by the Auditing Committee of the abstracts dated March 28, 2016 be approved and that the Clerk shall execute said abstracts (#44 & #45) and direct payment by the Treasurer. Trust & Agency Fund: \$ 55,661.72, (Checks #3683 thru #3697), General Fund: \$ 27,021.82, (Checks #12590 thru #12612) Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

REPORTS

Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to two thousand five hundred seventy-nine reportable incidents year-to-date and that he accepted the resignation of part-time Police Officer John J. Conti, who has worked for the department since April 3, 2013. Officer Conti has accepted a full-time position with the Jamestown Police Department. Chief Bentley indicated before replacing Officer Conti he would like to meet with the Public Safety Committee and discuss how best to proceed to fill open positions. Chief Bentley indicated it is likely a few other part-time officers will be leaving the L-BPD by the end of the year.

Department of Public Works Supervisor Thomas R. Pilling indicated he was approached by officials from the Hewes Educational Center, Ashville, N.Y., to ask if the Department of Public Works would be interested in participating in a career internship program, whereby a student would work for the D.P.W. from 12:00 noon thru 2:30 PM, for a month at the end of the school year. Mr. Pilling said it just so happens the student is his son Joshua. Mr. Pilling said the student is fully insured through the Hewes Educational Center and is looking for approval from the Board of Trustees this evening to participate in the program.

Mr. Pilling also reported that Mr. Dominick, from Jamestown Roofing Inc., Jamestown, N.Y. has recommended that the Village of Lakewood replace the existing flat rubber roof of the Anthony C. Caprino Municipal Building this upcoming construction season. Mr. Pilling then shared some photos of the roof, taken by Mr. Dominick, with members of the Board of Trustees.

Mr. Pilling also noted that the Tentative Budget as presented doesn't include a Dump Truck (\$153,486.00), that he had listed in the D.P.W. budget request. He asked for the Board of Trustees to consider tying-in the cost of the new dump truck with the five year Bond Anticipation Note which is financing the purchase of the new ambulance.

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Mr. Pilling also noticed the lifeguard salaries have been re-allocated and asked if the beach and beach house was going to open for swimming this summer.

Deputy Mayor Di Salvo said Mayor Birrittieri and Village Attorney Wright did have a conversation about the potential liability and the possibility of keeping the beach operational without lifeguards.

Village Attorney Wright said the Village Clerk did check with the Village of Lakewood's insurance carrier about removing the fence enclosure around the beach area and was going to get back with them regarding the possibility of operating without lifeguards. Village Attorney Wright said it is unknown at this time if the Village of Lakewood will be allowed to post signs alerting the general public that there are no lifeguards on duty, in essence to swim at one's own risk.

Village Clerk Johnson said he will contact both Great Lakes Insurance Service Group, LLC and the Chautauqua County Department of Health to check on the possibility of operating a public bathing beach without the benefit of lifeguards.

Mr. Pilling continued his report saying he also noticed in the Tentative Budget that \$ 10,000.00 was allocated for improvements at the Richard O. Hartley Park/Beach, and suggested that the money would be better spent in replacing the flat roof at the Anthony C. Caprino Municipal Building.

In conclusion, Mr. Pilling said he also noticed that the non-union employees are getting a 2% raise in an effort to stay within the "tax cap", while the union employees receive 3% per their contract. He argued that the non-union employees shouldn't be asked to take the fall for everyone because of the current budget woes.

Mrs. Jane Gesing, 103 Lakeview Ave. asked Mr. Pilling is there are plans to replace the sidewalks on the east side of Lakeview Ave. between the railroad tracks and East Summit Street

Mr. Pilling said that particular stretch of sidewalk is on the list for replacement, with the worst stretches of sidewalk to be replaced first.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to one hundred eighty-seven alarms year-to-date, although the past two weeks have been somewhat slow and routine.

Building Inspector Jeffrey A. Swanson reported that he, Trustee Di Salvo and Trustee Holcomb have recently reviewed and amended the Building Department's fee and fine schedule, a copy of which has been distributed to the Board of

Trustees for their review and comment.

Trustee Holcomb indicated that there are a few final adjustments yet to be made to the amended fee and fine schedule.

Mr. Swanson said he did learn recently that New York State will be utilizing the International Building Code in addition to the New York State Building Code, which should assist in enforcing property maintenance issues including abandoned structures. Mr. Swanson said he would like to be able to address through new local laws, the use of tarps in general and specifically as a temporary fix for a leaking roof.

Mr. Swanson also indicated that he has been in touch with the owners of the property at 9.5 Clark Street and they are hopeful to be able to completely raze the fire damaged structure late this spring.

Ms. Sandy Olson, 10 Clark Street, asked Mr. Swanson if someone is going to check for asbestos contamination prior to razing the structure.

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Building Inspector Swanson indicated to Ms. Olson that before a contractor can demolish the fire damaged structure, an asbestos survey will need to be completed. Evidence of any asbestos will dictate how the demolition work will need to proceed.

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 schedule public hearing.

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

PUBLIC HEARING: 6:15 PM
CONSIDER AMENDING LOCAL LAW #2-2015
EXTENDING THE TIME FRAME OF THE
INTERIM APPLICATION PROCESS RE:
WIRELESS TELECOMMUNICATIONS FACILITIES

Deputy Mayor Di Salvo called the public hearing to order at 6:15 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper.

Deputy Mayor Di Salvo indicated the Board of Trustees adopted Local Law #2-2015 at their December 28th meeting which established an Interim Application Process with respect to proposals for new Wireless Telecommunications Facilities. Adopting this amendment will extend the local law's timeframe by ninety (90) days and give the Village of Lakewood some extra time to review, revise as needed and eventually adopt a new local law. The new local law was drafted by the Village of Lakewood's consultant Mr. Richard A. Comi, dba The Center for Municipal Solutions, Glenmont, New York. The new local law will address in more detail new applications for wireless telecommunications facilities within the Village of Lakewood. Deputy Mayor Di Salvo indicated if the new local law/ordinance is adopted within the next ninety (90) days, it will supersede the temporary local law.

With no one else to be heard Deputy Mayor Di Salvo closed the public hearing at 6:20 PM, and reopened the regular meeting of the Board of Trustees.

REPORTS (CONTINUED)

Although Village Treasurer Andrea J. Windoft had no report, Trustee Holcomb wished to let her know that the New York State budget should be adopted by midnight this Thursday and in May 2016 the Village of Lakewood will receive a letter noting the projected dollar amount it will be receiving in CHIPS funding.

COMMITTEE REPORTS

Trustee Holcomb indicated that he, Trustee Di Salvo and Building Inspector Swanson will be meeting again and recommend some final adjustments of the fee and fine schedule for the Board of Trustees' review and comment.

Deputy Mayor Di Salvo said because some of the fines, such as parking fines, haven't been adjusted for over thirty-five years there is a real need to bring them up to today's standards, but it must be done via local law. In the case of amending the parking fines, a local law will need to be adopted by both the Town of Busti Board and the Village Board of Trustees. Deputy Mayor Di Salvo said he is hopeful by the second meeting in April the agenda will include a proposal to update the fee and fine schedule.

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Deputy Mayor Di Salvo then reported per Mayor Birrittieri that the new Facebook page, Village of Lakewood, New York, is up and running and encouraged folks to check it out. Also, the next meeting of the Events & Marketing Committee will be held 6:30 PM, Wednesday, April 6, 2016.

RESOLUTION #40-2016 - AUTHORIZE PARTICIPATION IN AN INTERNSHIP PROGRAM

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Department of Public Works Supervisor Thomas R. Pilling and the D.P.W. to participate in an Internship Program through the Hewes Educational Center, Ashville, N.Y., whereby a student will work with the Streets & Parks Department personnel from noon thru 2:30 PM for about a month at the end of the current school year.

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

RESOLUTION #41-2016 - ADOPT LOCAL LAW #3-2016, AMENDING LOCAL LAW #2-2015

Motion by Trustee Holcomb, seconded by Trustee Drago, for the Board of Trustees to adopt Local Law #3-2016, amending Local Law #2-2015, which extends by ninety (90) days the timeframe of the Interim Application Process in connection with new proposals for Wireless Telecommunications Facilities within the Village of Lakewood, New York.

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

RESOLUTION #42-2016 - AMEND THE VILLAGE OF LAKEWOOD'S DEPOSITORY PRACTICE

Motion by Trustee Holcomb, seconded by Trustee Barnes, per the recommendation of Village Treasurer Andrea J. Windoft, to amend/update the Village of Lakewood's Depository Practice, as previously adopted via Resolution #120-1992-1993, dated March 22, 1993, to increase the maximum deposit from \$600,000.00 to \$800,000.00, change the name of the banking institution from Chase Manhattan Bank to Manufacturers & Traders (M & T) Bank and update the names of the Village of Lakewood banking officials listed.
Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

RESOLUTION #43-2016 - APPROVE 2016 DOCK PERMIT APPLICATIONS

Motion by Trustee Barnes, seconded by Trustee Drago, to approve the following 2016 dock permit applications as submitted by John Johnson, 178 Front St., for the Woodlawn Ave. R-O-W, Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. R-O-W and Jeff Rog & Jeff Weemhoff, 158 & 159 East Terrace Ave. for the Glenwood Ave. R-O-W.
Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

RESOLUTION #44-2016 - ACKNOWLEDGE RESPONSIBILITY FOR LANE MILES

Motion by Trustee Barnes, seconded by Trustee Holcomb, the Board of Trustees hereby acknowledges that the Village of Lakewood has the operational and maintenance responsibility for its 42.65 total lane miles and that the Village of Lakewood accepts the liability that comes with them being open to the public
24 hrs./day, seven days per week with no restrictions. NOTE: This resolution is being requested by the NYS DOT as it relates to the calculation of the Village of Lakewood's annual CHIPS funding.
Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

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RESOLUTION #45-2016-AUTHORIZE N.Y.S. HGWY. SUPERINTENDENTS SCHOOL ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Holcomb, authorizing Department of Public Works Supervisor Thomas R. Pilling to attend the New York State Highway Superintendent's School to be held in Ithaca, New York, June 5th - June 8th. D.P.W. Supervisor Pilling will be reimbursed for any and all legal expenses incurred.
Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

RESOLUTION #46-2016 - AUTHORIZE SEVERAL MINOR BUDGET TRANSFERS

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to make several minor budget transfers due to a few overages in contractual accounts.
Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

RESOLUTION #47-2016 - AUTHORIZE LOCAL GOVERNMENT CONFERENCE ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Barnes, authorizing members of the Board of Trustees, Planning Board, Zoning Board of Appeals and other officials to attend the Local Government Conference to be held at Houghton College, Houghton, N.Y., Wednesday, May 11, 2016. This one day conference is being presented by Southern Tier West Regional Planning & Development Board, Salamanca, N.Y.

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

RESOLUTION #48-2016 - APPROVE PERSONAL SERVICES CONTRACT

Motion by Trustee Drago, seconded by Trustee Holcomb, to approve the Personal Services Contract between the Village of Lakewood and Blue Moon Management, Lakewood, N.Y., regarding the 4th of July concert by the musical group Preach Freedom & Connect, and authorize Mayor Birrittieri to execute same. Total cost of the concert is \$ 1,450.00, \$ 1,100 for the musicians, \$ 350.00 for the sound and lighting systems.

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

RECESS

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

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

PUBLIC HEARING: 6:30 PM

SPECIAL USE PERMIT

RE: LUXURY DOG KENNEL & DOG DAY CARE/SPA

15 WEST FAIRMOUNT AVE.

Mr. Lee M. Lodestro, 2855 Girls Road, Jamestown, N.Y., has submitted an application for a Special Use Permit regarding a proposal to redevelop the existing 4,800 sq. ft. building, (former Grazer's Rest./ originally Perkins' Family Rest.), plus the construction of a 5,000 sq. ft. addition, establishing a luxury dog kennel, dog day care and dog grooming boutique. The proposed kennel and dog day care will also have a small retail space carrying high-end canine merchandise.

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Deputy Mayor Di Salvo indicated to those present that the public hearing previously scheduled for 6:30 PM has been cancelled due to the fact that Mr. Lodestro has opted to withdraw his Special Use Permit application. Deputy Mayor Di Salvo said Mayor Birrittieri plans on reaching out to Mr. & Mrs. Lodestro to see if there are other locations in the Village of Lakewood that might accommodate their proposal.

Residents in attendance for the public hearing included Ms. Tammy Snyder, 2 Crawford Lane, Ms. Tanya Hinman, 8 Crawford Lane, Mr. Charles E. Rice, 4 Crawford Lane and Mr. John H. Livingston, 7 Crawford Lane.

ANYONE TO BE HEARD

Mr. Benjamin Blood, representing the Lakewood Memorial Library asked Deputy Mayor Di Salvo what is the timeframe for the Village of Lakewood to adopt its budget.

Deputy Mayor Di Salvo indicated to Mr. Blood that the tentative budget per Village Law is required to be adopted by May 1st.

Chautauqua County Legislator P.J. Wendel appeared before Deputy Mayor Di Salvo and the Board of Trustees to let them know that Mr. James Caflisch, from the Chautauqua County Department of Taxation is now overseeing the Chautauqua County Land Bank. Legislator Wendel said the Chautauqua County Legislature is also entertaining a motion to change the smoking law, increasing the age to purchase cigarettes in Chautauqua County from 18 to 21.

PUBLIC HEARING: 6:40 PM
SITE PLAN REVIEW
RE: INTERIOR REMODEL & SITE IMPROVEMENTS
110 MALL BLVD.

Ms. Diane Hendricks, Registered Architect, 12 Lakeview Ave., has submitted an application for Site Plan Review regarding a proposal to do an interior remodel of 6,400 sq. ft. of the commercial building at 110 Mall Blvd. and make improvements to the site with new pavement markings, landscaping and signage. In accordance with Section #25-89, [Site Plan Review], of the Village of Lakewood Zoning Law, the redevelopment of 5,000 sq. ft. or more of commercial floor space requires site plan review.

Ms. Hendricks indicated she was provided a copy of the minutes of the Planning Board meeting held March 16, 2016 and respectively asked if she could go over the conditions of the site plan approval with members of the Board of Trustees one by one.

Deputy Mayor Di Salvo let those present know that the Planning Board approved this site plan at their March 16, 2016, with some conditions.

Ms. Hendricks said she has addressed the first condition which deals with emergency doors complying with the New York State Building Code. She went onto explain the temporary emergency exit versus the permanent emergency exit.

Because walkways are required from emergency exits to parking areas per the NYS Building Code, Ms. Hendricks explained the asphalt walkway leading from the emergency exit on the north side of the building will be maintained as is. She said a gravel path will be established from the permanent emergency exit on west side of the building, leading to the southerly parking lot. Ms. Hendricks said this proposal satisfies all aspects of emergency doors and exits per the NYS Building Code.

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As one of the conditions noted, Ms. Hendricks said she addressed/corrected the door swing of one of the interior doors.

Ms. Hendricks said she has adjusted the number and type of handicapped parking spots proposed for the entire building, which more than complies with standards set forth in the Americans with Disabilities Act.

Another question that was raised during the Planning Board meeting was the number of parking spots on the site versus what is required by the local zoning law. Ms. Hendricks contends that the forty (40) existing parking spaces are more than sufficient for the building's occupancy. She understands that if the project was new construction versus a conversion there would be some concerns about the number of required parking spaces. Ms. Hendricks said right now only about 50% of the parking spaces are being used, but there is additional lease space in the building yet to be developed.

Ms. Hendricks said although signage wasn't one of the conditions noted by the Planning Board, there was some discussion about the number of signs allowed and sign location.

Mr. Louis Deppas, owner and future tenant of the remodeled building, indicated that they are interested in establishing a monument type sign for the businesses that will occupy the space.

Planning Board Chairman Ted McCague indicated that if the proposed signage exceeds the regulations as set forth in the local zoning law, it will be necessary to make an application to the Zoning Board of Appeals for a variance. Mr. McCague did note that it appears that Ms. Hendricks has addressed the various conditions for site plan approval. He said some of the concerns expressed by the Planning Board were made to protect the property owner. It was just a matter of having the drawings depict a floor and site plan that complied with the various codes.

Deputy Mayor Di Salvo said there is the matter of compliance with the State Environmental Quality Review Act (SEQRA), wherein the applicant completes a portion of the form, with the balance to be completed by the Lead Agency, which in this case will be the Village of Lakewood. The Board of Trustees would then declare a negative or positive declaration with respect to this project.

Planning Board Chairman Ted McCague indicated the applicant did express some urgency regarding this project and with some reservations the Planning Board approved the site plan with conditions.

When asked by Deputy Mayor Di Salvo for an opinion on the SEQR process Village Attorney Wright indicated the environmental review could be done this evening or postponed until the next Board of Trustees meeting.

It was the consensus of the members of the Board of Trustees for Deputy Mayor Di Salvo to go through the Short Environmental Assessment Form item by item and for them to make a declaration one way or the other this evening to allow this project may move forward.

On behalf of the Village of Lakewood, as Lead Agency, Deputy Mayor Di Salvo proceeded to read the Short Environmental Assessment Form and answered the required questions.

RESOLUTION #49-2016 - ISSUE NEGATIVE DECLARATION & APPROVE SITE PLAN

Motion by Trustee Barnes, seconded by Trustee Drago, for the Board of

Trustees, acting as the Lead Agency and in accordance with the State Environmental Quality Review Act (SEQRA) regulations, issue a Negative Declaration regarding the proposal to do an interior remodel of 6,400 sq. ft. of the commercial building at 110 Mall Blvd., including site improvements and to approve the floor and site plans for this project as presented. NOTE: It was determined this project will have no significant environmental impacts. Adopted: 3 ayes, no nays (Barnes, Drago, Holcomb)

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Motion by Trustee Holcomb, seconded by Trustee Drago, and unanimously carried, the Board adjourned at 7:01 PM.

Joseph M. Johnson
Village Clerk