

NOVEMBER 28, 2016

The twenty-second regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, November 28, 2016 at 6:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo, 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, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent were Village Attorney John I. LaMancuso and Building Inspector Jeffrey A. Swanson.

#### 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 November 14, 2016. Adopted: 4 ayes, no nays (Barnes, Di Salvo, 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 November 28, 2016, be approved and that the Clerk shall execute said abstracts (#27 & #28) and direct payment by the Treasurer. Trust & Agency Fund: \$ 57,828.90, (Checks #3935 thru #3953, #3942 & #3947 voided), General Fund: \$ 44,158.94, (Checks #13268 thru #13293)

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

#### REPORTS

Mayor Birrittieri reported that the Christmas in the Village, scheduled for noon - 8:00 PM, Saturday, December 10th has had a tremendous response from vendors and merchants wishing to participate with approximately eighty registered thus far. Mayor Birrittieri indicated the committee is urging area residents and businesses to participate in the baking and lighting contests being held in conjunction with the Christmas in the Village event. Entry forms for both are available at the Village Clerk's Office. Mayor Birrittieri said volunteers are needed to work at the vendor sites. She then commended members of the Events & Marketing Committee for the tremendous job they are doing in putting this event together. Some of the scheduled activities include story hour at the library, from 11:30 AM - 12:30 PM, reindeer from noon - 3:30 PM, the Lakewood History Museum will be open from noon - 3:00 PM, chainsaw carving demonstration 3:00 - 6:00 PM, horse drawn trolley rides from 4:00 - 6:00 PM, Santa & Mrs. Claus, 5 - 8:00 PM, and two tree lighting ceremonies, 7:30 PM, Recognition Park and 7:45 PM, Richard O. Hartley Park.

Mayor Birrittieri said she is pleased to report that the Lakewood Ledger, a weekly newspaper is coming to the Village of Lakewood and surrounding area. The Villager Newspaper which has only been published during the summer months has decided to launch a year round publication. Anyone interested in writing or have any story ideas are asked to check the Village of Lakewood's web site for information. Mayor Birrittieri said the newspaper will be widely distributed and free to the public. The first edition is expected sometime early next year.

Department of Public Works Supervisor Thomas R. Pilling reported the D.P.W. crew is still picking-up leaves however the annual task will be completed by the end of the week. Mr. Pilling asked Mayor Birrittieri for her input on the size of Christmas trees she has in mind for the two park locations.

Mayor Birrittieri indicated to Mr. Pilling that the tree size for Recognition Park can remain the same however she would like to see a larger tree at Richard O. Hartley Park, for placement in front of the gazebo rather than in the gazebo.

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Mr. Pilling also reported that the Chautauqua County Highway Superintendents Association is conducting its annual Toys for Kids campaign. Toys valued at \$ 10.00 or less can be placed in the box located near the front door of the Anthony C. Caprino Municipal Building.

Mr. Pilling indicated a new exterior door for the Mayor's office has been delivered and will be installed sometime soon.

Mayor Birrittieri and Mr. Pilling then discussed the construction of ten (10) sandwich boards, which will be used at the upcoming Christmas in the Village as well future events sponsored by the Village of Lakewood.

Trustee Di Salvo asked Mr. Pilling if he was copied on an e-mail that was sent to Mayor Birrittieri and the Village Clerk from Mr. Sam Whitmore. If so, what is his take on the concerns voiced by Mr. Whitmore regarding the icy conditions along sections of sidewalk on Chautauqua Ave., following the area's first snow fall last week.

Mr. Pilling said typically the sidewalks are always plowed following a snow fall and treated with ice control salt when necessary. He said the high winds following last week's snow fall created some icy conditions along certain stretches of sidewalk on Chautauqua Ave. Mr. Pilling said certain conditions arise very quickly and suggested that merchants take on some of the responsibility when it comes to snow removal and ice control in front of their respective businesses.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to nine thousand four hundred nine reportable incidents year-to-date. Chief Bentley also reported that earlier in the day a deer hunter apparently shot himself accidentally and died in the vicinity of Garfield Road and Orr Street. Chief Bentley thanked the Lakewood Fire Department, Busti Fire Department, Kiantone Fire Department, N.Y.S. Department of Environmental Conservation, the Coroner's Office and the Forensic Investigation Team (FIT), for their assistance at the scene of this tragedy.

Chief Bentley indicated that he has ordered twenty (20) body cameras, which are to be paid for from the Federal Asset Forfeiture Account.

Chief Bentley also reported the L-BPD participated in the statewide "Operation Crackdown", a drunk driving initiative over the Thanksgiving Day holiday weekend, resulting in one DWI arrest. Chief Bentley said he will have a car in the area to assist during the Christmas in the Village event December 10<sup>th</sup> adding it has been very steady as the holidays approach.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department

has responded to eight hundred six alarms year-to-date, twenty-six of those occurring since the last meeting. Chief Hallberg said the LFD was on stand-by during the Amy King Memorial run/walk held Saturday, November 26<sup>th</sup>, and that Ladder-371 is temporarily out of service.

Mayor Birrittieri asked Chief Hallberg if the LFD has had any further discussions or meetings on the topic of billing for hospital transports.

Chief Hallberg indicated that particular subject is going to become a priority after the first of the year.

Trustee Barnes indicated that the county-wide "fly-car" system is set to begin and what effect that will have on local emergency medical service (EMS) calls is unknown at this time.

Trustee Holcomb suggested that it would be a good idea to have the "fly-car" system explained to the entire Board of Trustees to better understand how it works in conjunction with EMS crews from local fire departments.

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Village Treasurer Andrea J. Windoft reported that she has thus far deposited \$ 1,720.00 in vendor space fees generated by the Christmas in the Village event. Village Treasurer Windoft said she prepared a simple report for the Mayor and members of the Board of Trustees detailing the legal and consulting fees paid out in connection with the ongoing review of the cell tower application as submitted by Up State Tower, LLC and the current lawsuit in connection with the cell tower application. Mrs. Windoft said she would be happy to answer questions anyone might have about the report.

#### COMMITTEE REPORTS

Trustee Drago said she attended the most recent meeting of the Lakewood Memorial Library Board, held November 15<sup>th</sup> and provided Mayor Birrittieri and members of the Board of Trustees with copies of their strategic plan for the upcoming year. Mrs. Drago said she is very pleased with some of the ideas outlined in the plan, noting that a lot of work went into it.

Trustee Drago said she is also working with Treasurer Windoft in putting together a contract agreement between the Village of Lakewood and the Lakewood Memorial Library per the suggestion of the NYS Comptroller's Office. Once complete, copies will be provided to Village Attorney LaMancuso and Library President Myra V. Blasius for their review and comment.

Finance Committee Chairman Holcomb indicated that he and Trustee Di Salvo would like to prepare and present, by year's end, a preliminary report on establishing reserve funds for some of the Village of Lakewood's accounts.

Trustee Holcomb said that he and Trustee Di Salvo are also members of the Zoning Review Committee, along with Edward J. McCague, William F. Chandler and Building Inspector Jeff Swanson. The committee has been reviewing the current zoning law and would like to present, also by year's end, a few much needed zoning law amendments to the Board of Trustees for their review and consideration. Trustee Holcombe said this is aside from recommendations presented in the Comprehensive Plan and plans to do a complete rewrite of the local zoning law. Trustee Holcomb noted the proposed zoning law amendments

will greatly assist Mr. Swanson on the enforcement end in the interim.

Trustee Holcomb indicated that with respect to the selection of an alternate for the Zoning Board of Appeals, a letter was sent by Mr. Brett Muchek, 294 Shadyside Ave., to ZBA Chairman Willaim F. Chandler explaining his interest in the position. Trustee Holcomb said both Village Attorney LaMancuso and Mr. Chandler endorse Mr. Muchek as a potential candidate for the alternate member of the Zoning Board of Appeals. Trustee Holcomb said he would like to introduce a motion for the Board of Trustees to appoint Mr. Muchek this evening.

Mayor Birrittieri said that she would like to hold-off on that appointment in order to find out if there is anyone else interested in either of the alternate positions on the Planning Board and/or Zoning Board of Appeals.

Mr. Edward J. McCague said he believes the proper procedure would be for the applicant for either position submit a resume and any letters of recommendation to the respective board chairman, Mayor and members of the Board of Trustees for their review and consideration.

Mayor Birrittieri said as the official making the appointment, and to make the process more professional, she would like to speak with Mr. Chandler and Mr. Muchek about the alternate position. For that reason, she respectfully asked that the Board of Trustees hold-off on Mr. Muchek's appointment at this time.

Trustee Holcomb said if Mayor Birrittieri is able to meet and speak with Mr. Muchek within the next two weeks, he would be in favor in placing his appointment on the agenda of the next regular meeting.

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#### COMPREHENSIVE PLAN STEERING COMMITTEE

Mr. Edward J. McCague, Chairman of the Comprehensive Plan Steering Committee, reported that the next meeting of the steering committee is scheduled for this Friday, at which they will be discussing the adoption phase of the plan which is still on target for late this year or early in 2017.

#### DISCUSSION - OLD BUSINESS RE: EASEMENT AGREEMENT - WINDSTREAM COMMUNICATIONS

Mayor Birrittieri indicated that Village Attorney LaMancuso has been in contact with officials from Windstream Communications, Jamestown, N.Y., regarding a Memorandum of Understanding with the Village of Lakewood, whereby if agreed to, they would be allowed to place communications equipment within a northerly section of the Marion Street right-of-way. Mayor Birrittieri said Mr. LaMancuso was able to negotiate a higher one-time easement payment from the initial figure of \$ 5,000.00 to \$ 7,000.00.

Trustee Barnes asked Mayor Birrittieri to consider tabling any action on this matter, just in case she or other members of the Board of Trustees have any questions for Village Attorney LaMancuso regarding the Memorandum of Understanding.

DISCUSSION - NEW BUSINESS  
CHRISTMAS IN THE VILLAGE 2016 - REVENUE & EXPENSES

Mayor Birrittieri indicated the number one item under new business is to authorize Village Treasurer Andrea J. Windoft to oversee the revenues and expenses relating to the 2016 Christmas in the Village event to be held Saturday, December 10<sup>th</sup>.

Trustee Barnes indicated that she spoke to Ms. Barbara J. VanEpps, Deputy Director of the New York State Conference of Mayors, Albany, N.Y. earlier in the day about money management when it comes to municipalities taking on sponsorship roles for events such as Christmas in the Village. Trustee Barnes indicated she has no issues with Village Treasurer Windoft overseeing the event's revenues and expenses, but to protect Mrs. Windoft, the Board of Trustees and the Village of Lakewood she would like to set limits on expenditures and to stipulate not to spend money that isn't there.

Trustee Barnes then asked Treasurer Windoft if a separate account, such as the one for the 4<sup>th</sup> of July Festival, could be set-up for the Christmas in the Village event.

Village Treasurer Windoft indicated to Trustee Barnes that indeed a Trust & Agency account for this event has been established. Mrs. Windoft said a line item for this event could be added to the next year's budget document.

Mayor Birrittieri indicated that each and every expense relating to the entertainment value for Christmas in the Village has been "covered" by monies remaining in the Joint Recreation - Band Concerts Account, (A-7270.40), noting the last concert of the summer was rained out and subsequently was canceled. Mayor Birrittieri said most of the other expenses for the Christmas in the Village have been minimal by comparison.

Trustee Di Salvo asked Trustee Barnes if NYCOM officials had any suggestions.

Trustee Barnes indicated NYCOM has suggested that a municipality should adopt a resolution authorizing the Treasurer to manage event funds with certain stipulations, such as setting a dollar limit on an expense that would require prior approval by the municipal board. It is a matter of having a check and balance system in place.

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Trustee Windoft suggested setting \$ 500.00 as a threshold at which expenses higher than that would require prior approval by the Board of Trustees.

RESOLUTION #200-2016 - AUTHORIZE MANAGEMENT OF EXPENSES & REVENUES

Motion by Trustee Barnes, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to oversee the revenues and expenses for the 2016 Christmas in the Village event, with the stipulation that any and all expenses in excess of \$ 500.00 be preapproved by the Board of Trustees.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Holcomb)

RESOLUTION #201-2016 - AUTHORIZE TRANSFER OF FUNDS

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Village

Treasurer Andrea J. Windoft to transfer \$ 8,500.00 from Trust & Agency Account T1093.20 into Account A3120.20 (Police Equipment) to pay for the new body cameras purchased by the Lakewood-Busti Police Department.

Note: The funds being transferred are monies from the Federal Asset Forfeiture account.

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

#### RESOLUTION #202-2016 - TABLE ACTION ON THE AWARDING OF PRIZE MONEY

Motion by Trustee Di Salvo, seconded by Trustee Barnes, for the Board of Trustees to table action on authorizing the History Committee to donate \$ 150.00 from donations received, to the Christmas in the Village event and awarded as prize money for the Baking & Christmas Lighting Contests, as requested by Village of Lakewood Historian Ms. Susan Lane.

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

#### DISCUSSION - FEDERAL HOLIDAY SCHEDULE

Trustee Barnes introduced a resolution whereby Martin Luther King Day would become an official holiday of the Village of Lakewood, namely the Village Clerk's/Village Treasurer's office, beginning in 2017, while impacted employees will retain two of their three floating holidays.

Mayor Birrittieri said the Village of Lakewood should also consider adding two other federal holidays, President's Day and Columbus Day to its holiday schedule and add the Friday after Thanksgiving Day as a new holiday for Village of Lakewood employees. Mayor Birrittieri said it only makes sense to be closed when the local banks and the Post Office are closed, because no business can be done on federal holidays.

Trustee Di Salvo said the three floating holidays that employees now enjoy will be replaced with the three federal holidays, Martin Luther King Day, President's Day and Columbus Day, plus the addition of the Friday after Thanksgiving Day.

Trustee Barnes said she spoke to members of the DPW crew who indicated they enjoy their three (3) floating holidays and the flexibility they have instead of taking specific holidays off. Trustee Barnes said she wants to work with the employees as adjustments are made in the holiday schedule to see what works best for them. It is appropriate for the Clerk's/Treasurer's office to be closed on Martin Luther King Day, noting the DPW will likely be working in mid-January plowing snow. Trustee Barnes said what she is proposing is for only the office to be closed on Martin Luther King Day, while the DPW and Police Department employees retain their full complement of floating holidays.

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Trustee Di Salvo indicated that the three (3) floating holidays now enjoyed by the Clerk's/Treasurer's office employees would be replaced by the three federal holidays, (Martin Luther King Day, President's Day and Columbus Day), not currently on their holiday schedule. Trustee Di Salvo said he believes all government offices should observe the standard federal holidays.

Trustee Barnes suggested that the Village of Lakewood should at least act on the observance of Martin Luther King Day.

Trustee Di Salvo said he would rather act on all three federal holidays in question rather than just the one, but he would be happy to discuss this matter further at either of the December meetings of the Board of Trustees.

RESOLUTION #203 - TABLE ACTION ON ADJUSTING THE EMPLOYEES' HOLIDAY SCHEDULE

Motion by Trustee Barnes, seconded by Trustee Di Salvo, to table any action on a proposal introduced by Trustee Barnes to adjust the holiday schedule for the Clerk's/Treasurer's office to include the observance of Martin Luther King Day and to subtract one floating holiday from the employees' time-off schedule.

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

RESOLUTION #204-2016 - APPROVE NEW LFD MEMBERS & OUT OF DISTRICT STATUS

Motion by Trustee Drago, seconded by Trustee Holcomb, for the Board of Trustees, acting as the Board of Fire Commissioners, approve Mr. Ryan Curcio, 33 W. Summit St., Mr. Todd Kohlross, 8 Gifford Ave. and Mr. Shawn Smith, 33 W. Duquesne Ave., Celoron, N.Y., as new members of the Lakewood Volunteer Fire Department and to grant Mr. Smith "out of district" status.

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

RECESS

Motion by Trustee Holcomb, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees at 7:35 PM, so as to enter into executive session to discuss pending litigation.

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

EXECUTIVE SESSION

Present at the executive session were Mayor Cara Birrittieri, Trustee David J. Di Salvo, Trustee Ellen E. Barnes, Trustee Susan F. Drago, Trustee Randall G. Holcomb and Village Clerk Joseph M. Johnson. Motion by Trustee Barnes, seconded by Trustee Di Salvo, to adjourn the executive session at 8:47 PM and to reopen the regular meeting.

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

Motion by Trustee Holcomb, seconded by Trustee Di Salvo and unanimously carried the Board adjourned at 8:48 PM.

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Joseph M. Johnson  
Village Clerk

