

JANUARY 14, 2019

The Annual Organizational Meeting and the first regular meeting of the Village of Lakewood Board of Trustees' official year was held Monday, January 14, 2019, with Deputy Mayor Edward J. McCague presiding. Trustees present were Ellen E. Barnes, Randall G. Holcomb and Douglas L. Schutte. 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 Steve Smouse. Absent were Village Attorney John I. LaMancuso and Building Inspector Jeffrey A. Swanson.

Deputy Mayor McCague briefly explained the purpose of the Annual Organizational Meeting, which is held at the beginning of the Village of Lakewood's official year. He indicated matters such as appointments, review of policies & procedures and setting normal business relationships for the upcoming year are typically carried-out at this time.

Deputy Mayor McCague indicated that the first order of business this evening will be to make a few appointments, namely to positions on the Planning Board and the Zoning Board of Appeals.

RESOLUTION #1-2019 – REAPPOINT ZONING BOARD OF APPEALS MEMBER

Motion by Trustee Barnes, seconded by Trustee Holcomb, per the recommendation of Deputy Mayor McCague, to reappoint Mr. Louis S. Drago, Jr., 9 Brook Street, as a member of the Zoning Board of Appeals to a five (5) year term, expiring January 1, 2024.

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

RESOLUTION #2-2019 – APPOINT ZONING BOARD OF APPEALS MEMBER

Motion by Trustee Barnes, seconded by Trustee Schutte, per the recommendation of Deputy Mayor McCague, to appoint Mr. Gerald T. Holmes, 10 Holly Drive, who is currently serving as an Alternate, as a full member of the Zoning Board of Appeals. Mr. Holmes will fill the unexpired term of Ms. Myra V. Blasius, which expires January 1, 2022.

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

RESOLUTION #3-2019 – APPOINT PLANNING BOARD MEMBER

Motion by Trustee Barnes, seconded by Trustee Holcomb, per the recommendation of Deputy Mayor McCague, to reappoint Mr. Jeffrey Slater, 25 Waldemere Way, as a member of the Planning Board to a five (5) year term, expiring January 1, 2024. Mr. Slater was originally appointed to the Planning Board back in May 2018, to fill the unexpired term of Ms. Kaie Smith which ended January 1, 2019.

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

RESOLUTION #4-2019 – REAPPOINT DPW SUPERVISOR

Motion by Trustee Barnes, seconded by Trustee Schutte, per the recommendation of Deputy Mayor McCague, to reappoint Mr. Thomas R. Pilling as Department of Public Works Supervisor to a one (1) year term that will expire January 1, 2020.

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

JANUARY 14, 2019 (CONTINUED)

RESOLUTION #5-2019 – REAPPOINT BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Motion by Trustee Holcomb, seconded by Trustee Schutte, per the recommendation of Deputy Mayor McCague, to reappoint Mr. Jeffrey A. Swanson as Building Inspector/Code Enforcement Officer, to a one (1) year term that will expire January 1, 2020.

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

RESOLUTION #6-2019 – REAPPOINT VILLAGE OF LAKEWOOD HISTORIAN

Motion by Trustee Holcomb, seconded by Trustee Barnes, per the recommendation of Deputy Mayor McCague, to reappoint Ms. Susan Lane, as Historian, to a one (1) year term that will expire January 1, 2020.

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

COMMITTEE APPOINTMENTS

Deputy Mayor McCague indicated that changes to some of the committees are being considered and therefore they will be formed and put to a vote at a later time.

RESOLUTION #7-2019 – OFFICIAL NEWSPAPER

Motion by Trustee Holcomb, seconded by Trustee Barnes, that The Post-Journal, Jamestown, N.Y., be designated as the official newspaper of the Village of Lakewood.

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

RESOLUTION #8-2019 – SET REGULAR BOARD MEETING SCHEDULE

Motion by Trustee Barnes, seconded by Trustee Schutte, that regular meetings of the Village of Lakewood Board of Trustees shall be conducted on the second and fourth Mondays of each month in the Board Room of the Anthony C. Caprino Municipal Building, 20 West Summit Street, Lakewood, New York, at 6:30 PM, preceded by a 6:00 PM work session. If it is deemed necessary to change the day and/or time of a regularly scheduled meeting or to schedule a special meeting of the Board of Trustees, the Mayor, Board of Trustees, respective department heads and the media shall be notified in writing when practicable. The next Annual Organizational Meeting of the Board of Trustees is scheduled to be held Monday, January 13, 2020.

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

POLICY & PROCEDURE REVIEW

Deputy Mayor McCague indicated that it is always a good idea for elected officials, department heads and employees to review the Village of Lakewood's Code of Ethics and other pertinent policies. Mr. McCague said he has circulated some information to the members of the Board of Trustees electronically and asked that they review the material at their leisure. He noted that there is a newly introduced New York State Sexual Harassment Policy that is currently under review and likely will be adopted at a meeting in the very near future.

JANUARY 14, 2019 (CONTINUED)

RESOLUTION #9-2019 – AUTHORIZE ADVANCE APPROVAL OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Schutte, that in accordance with Village Law #5-524, (#6), to authorize payment in advance of certain invoices for recurring expenses such as utility services, postage, and freight/express charges, prior to them being audited.

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

RESOLUTION #10-2019 – SET MILEAGE ALLOWANCE

Motion by Trustee Holcomb, Seconded by Trustee Barnes, WHEREAS the Board of Trustees of the Village of Lakewood has determined to pay a fixed rate for mileage reimbursement to officers and employees of the Village of Lakewood who use their personal vehicles while performing their official duties on behalf of the Village of Lakewood, NOW THEREFORE BE IT RESOLVED that the Board of Trustees approve reimbursement to such officers and employees at a rate as calculated semi-annually by the Internal Revenue Service. The current rate per mile is \$.58 and this resolution shall take effect immediately.

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

RESOLUTION #11-2019 – OFFICIAL BANKS

Motion by Trustee Barnes, seconded by Trustee Holcomb, per the recommendation of Village Treasurer Andrea J. Windoft, that M & T Bank, Key Bank of WNY and Community Bank, be hereby designated as the official depositories for all funds of the Village of Lakewood during the ensuing year and that two (2) signatures be required on all checks, consisting of either the Mayor, Deputy Mayor McCague and either Village Treasurer Andrea J. Windoft or Deputy Treasurer Joseph M. Johnson.

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

ADJOURN ANNUAL ORGANIZATIONAL MEETING

Motion by Trustee Holcomb, seconded by Trustee Barnes, to adjourn the Annual Organizational Meeting and to recess until Deputy Mayor McCague opens the first regular meeting of the official year at 6:30 PM.

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

Deputy Mayor McCague opened the first regular meeting of the Village of Lakewood Board of Trustees for 2019 at 6:30 PM.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Holcomb, to approve the minutes of the last regular meeting of the Board of Trustees, held December 10, 2018.

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

JANUARY 14, 2019 (CONTINUED)

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Schutte, that the claims as audited by the Auditing Committee of the abstracts dated December 26, 2018 and January 14, 2019, be approved and that the Clerk shall execute said abstracts, (#31, #32, #33, & #34) and direct payment by the Treasurer. Trust & Agency Fund: \$ 61,295.39 & \$ 59,440.01, (Checks #4612 thru #4623) & (Checks #4624 thru #4632), General Fund: \$ 37,576.42, (Checks #15431 thru #15472) and General Fund: \$ 136,101.39, (Checks #15473 thru #15503)

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

VOLUNTEER OF THE YEAR AWARD – 2018

Deputy Mayor McCague indicated for the past two years an individual or individuals have been named as Volunteer(s) of the Year. He said it is his distinct honor this year to announce the Volunteer of the Year Award winner for 2018. He noted this is a person who has demonstrated an outstanding commitment to the community through his or her volunteerism. Plus, resident volunteers are a critical force that moves our community forward as they give unselfishly of their time, talents and energy in their dedication to the Village of Lakewood.

Deputy Mayor McCague said when the other members of the Board of Trustees were canvassed for their choice for Volunteer of the Year, each had the same individual in mind.

Deputy Mayor McCague said he is pleased to announce the Volunteer of the Year Award for 2018 goes to Mr. David Card. Mr. Card was then presented a framed Volunteer of the Year Certificate, a gift certificate and Deputy Mayor McCague said his name has been added to the Volunteer of the Year commemorative plaque that is prominently displayed in the Village Hall.

REPORTS

Deputy Mayor McCague indicated as we begin a new year and look back on 2018 it is an appropriate time to provide residents with a brief state of the village report. He said all in all 2018 was a very good year for the Village of Lakewood and there is cause for celebration. Through the hard work and dedication by members of the Board of Trustees, department heads, employees and various committees, much was accomplished in 2018.

Those accomplishments include a new joint refueling facility and agreement between the Village of Lakewood and the Southwestern Central School District, and the planned conversion of 396 street lighting fixtures to more energy efficient LED fixtures. Both projects have received grant funding in the amount of \$ 100,000.00, each.

Deputy Mayor McCague said the first of two Home Rehab Projects through the Chautauqua Home Rehabilitation & Improvement Corporation, (CHRIC) is near completion wherein ten single-family residential properties received a total of \$ 408,000.00 in improvements. A second award of \$ 391,500.00 through CHRIC, will be moving forward in the spring of 2019.

He said another wonderful project that will be moving forward in 2019 is the New York Main Street Grant, wherein seven properties along Chautauqua Ave. have qualified for funding for façade improvements totaling \$ 340,492.00. This project got its start through a \$ 20,000.00 Technical Assistance Grant, providing funding for LaBella Associates, Buffalo, N.Y., to develop the Main Street (Chautauqua Ave.) Master Plan.

JANUARY 14, 2019 (CONTINUED)

Deputy Mayor McCague said several stormwater related grants will allow the Village of Lakewood to put together the components of a state of the art stormwater system that will function to improve the water quality of Chautauqua Lake, placing the Village of Lakewood in a proactive leadership role in Chautauqua County.

The first of the grants received, which was a Water Quality Improvement Project (WQIP), in the amount of \$ 100,000.00, will be used to make improvements to Crescent Creek between East Summit Street and the railroad tracks.

Another grant opportunity came by way of the efforts of a Joint Village of Lakewood-Town of Busti Stormwater Management Engineering Study prepared by Barton & LoGuidice, Rochester, N.Y. The two Village of Lakewood projects chosen include the Lowe Park Stream Daylighting, (\$ 255,951.00), and the Village Square (Green) Streetscape-Chautauqua Ave., (\$ 695,000.00). The Town of Busti Project chosen was a Swale Retrofit, (\$ 202,478.00).

Deputy Mayor McCague indicated that in addition to the aforementioned grants, the Lakewood-Busti Police Department and Lakewood Fire Department have received their share of smaller grants that bring the total funding awarded to the Village of Lakewood to just over 2.4 million dollars. This is something we all can be proud of. Thanks to the efforts of members of the Board of Trustees, Department Heads, and Committee volunteers, what has come to fruition in 2018 is indeed a very significant accomplishment for the Village of Lakewood.

Deputy Mayor McCague then said two (2) new plans, namely the Chautauqua Ave. Mixed-Use Building Reuse Analysis Plan and the Joint Village of Lakewood-Town of Busti Stormwater Management Engineering Study Report were completed in 2018, and compliment the Village of Lakewood's Comprehensive Plan.

The Village of Lakewood was also recognized this past year for its accomplishments in planning and was awarded the 2018 American Planning Association's – Upstate Chapter award for its Comprehensive Plan. The National Arbor Day Foundation also awarded the Village of Lakewood its "Tree City – USA" designation. Deputy Mayor McCague indicated that Tree Committee Chairman Richard Rose and members of his committee have been working diligently the past five years to attain this prestigious designation for the Village of Lakewood. Mr. McCague said he expects Mr. Rose and the Tree Committee to conduct an event on or near Arbor Day, which is the last Friday in April, to celebrate the Village of Lakewood's "Tree City – USA" designation.

Deputy Mayor McCague indicated he has been receiving wonderful feedback from folks living outside the Village of Lakewood regarding the new web-site. He realizes it takes a lot of work to maintain and update its content and said he hopes to develop the web-site even further in 2019.

Deputy Mayor McCague concluded his state of the village comments by noting that the Village of Lakewood established a new Farmers' & Artisans' Market on West Terrace Ave. in 2018, had several ribbon cuttings for new businesses, and both the Village of Lakewood and the Lakewood Fire Department celebrated their 125th anniversaries. Mr. McCague said he is hopeful the momentum from 2018 will carry over into 2019 and although there are challenges ahead, residents should begin to finally see projects that have been discussed previously come to fruition. Mr. McCague again thanked members of the Board of Trustees, Department Heads, committee and resident volunteers who have worked hard in seeing these projects through.

Department of Public Works Supervisor Thomas R. Pilling was pleased to report that the Crescent Creek Project will be able to finally move forward as soon as the weather breaks in the spring. Mr. Pilling indicated he, with help from Mr. Dave Wilson from the Chautauqua County Soil & Water Agency, first requested funding for this project back in December of 2013. He added, needless to say it has been a long time coming.

JANUARY 14, 2019 (CONTINUED)

Deputy Mayor McCague thanked Mr. Pilling for his annual DPW Report he and other members of the Board of Trustees recently received but wanted to make it clear that in addition to all the larger projects noted in the report that the DPW is involved in, they do many smaller projects throughout the year that for the most part unmentioned.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department handled eight thousand nine hundred seventy-four incidents during 2018 and three hundred eighty-three year-to-date. Chief Bentley said he would like to publically thank C & A Auto & Marine, Celoron, N.Y., for their generous donation to the L-BPD's K-9 Unit. Chief Bentley said he is also looking into a grant that could assist K-9 Units from multiple law enforcements agencies, including the L-BPD.

Fire Chief Steve Smouse reported that the Lakewood Volunteer Fire Department responded to seventy-seven alarms in December, for a total of nine hundred twenty-two for the year, a new record number of alarms for a calendar year. Chief Smouse said the LFD is the busiest volunteer fire department in Chautauqua County and the fourth busiest fire department in Chautauqua County. Chief Smouse concluded his report noting that training on the new aerial ladder truck is continuing and that it should be placed into service in a week or two.

Village Treasurer Andrea J. Windoft reported that during the month of December the Village of Lakewood received revenues in the form of the 2017 utility payment for the Beach House from the Chautauqua Lake Community Sailing Foundation in the amount of \$ 874.63, New York State Consolidated Highway Improvement (CHIPS) payment in the amount of \$ 154,991.42, and the last installment on the Stormwater Management Engineering Report grant, in the amount of \$ 49,958.00.

Village Treasurer Windoft also reported that she has produced the first billing for fuel dispensed at the joint refueling facility on Packard Ave., and that she is finishing up the figures for year-end payrolls and employee W-2 Forms for 2018.

COMMITTEE REPORTS

Trustee Ellen E. Barnes reported that the Village of Lakewood will soon send a Letter of Authorization to National Grid, authorizing the conversion of three hundred ninety-six (396) cobra-head style street lighting fixtures to more energy efficient LED fixtures. She then wished to thank Trustee Holcomb and DPW Supervisor Pilling for their assistance in this endeavor and indicated if all goes well the actual light fixture conversion will begin in three to four months.

Trustee Barnes indicated that as a member of the Chautauqua Lake Protection & Rehabilitation Agency, (CLPRA), she would like to take a moment to bring folks up to date on the state of Chautauqua Lake as the summer of 2019 approaches. She said the CLPRA is considering setting-up districts around the lake, possibly as a source of revenue for lake maintenance.

At the agency's last meeting Mr. Dennis Fagan, of the Waneta-Lamoka Lake Protection District spoke and presented a very compelling case of the use of aquatic herbicides. Trustee Barnes indicated the conditions of Lake Waneta & Lake Lamoka mirror the current conditions of Chautauqua Lake. Mr. Fagan indicated the aquatic herbicide treatments have had no impact on the lake's fisheries and that herbicide application is done on a three year cycle. He also said since herbicide treatments began, lakefront property values have increased. Trustee Barnes said the CLPRA favors a multi-prong approach when it comes to managing Lake Chautauqua.

Ms. Ruth Wahl, 106 Winchester Road, asked Trustee Barnes what is the kelvin level of the new LED street light fixtures being proposed.

JANUARY 14, 2019 (CONTINUED)

Trustee Barnes said new lighting fixtures will be 4,000 kelvins, the industry standard, which is considered the amount of light produced by moonlight.

Deputy Mayor McCague said an example of the new LED light fixtures can be seen in certain parts of the Town of Ellicott. Typically the light bulb wattage for the new fixtures is 48 as compared to 100 watt on the current fixtures, which ultimately reduces the energy used and the cost. He said it is expected for the Village of Lakewood to save approximately \$ 6,000.00 annually on street lighting costs.

RESOLUTION #12-2019 – AUTHORIZE BOND ANTICIPATION NOTE

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft and Village Attorney John I. LaMancuso to prepare a Bond Anticipation Note (5 year renewable – 1 year maturing Bond Anticipation Note) in the amount of \$ 256,950.00, at an interest rate of 5.16%, to finance the Adoption of the Section 384-e Retirement Plan for union employees of the Lakewood-Busti Police Department, which represents past service costs. This Bond Anticipation Note is permissible through the NYS Finance Law 11.00 (a) (100), as amended by the Laws of 2004, Chapter #260.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #13-2019 – APPROVE LAKEWOOD FIRE DEPARTMENT CHIEFS FOR 2019

Motion by Trustee Barnes, seconded by Trustee Schutte, that the Board of Trustees, acting as the Board of Fire Commissioners, to approve the following LFD Fire Chief Positions for 2019. Fire Chief: Steve Smouse, First Assistant Fire Chief: Kurt W. Hallberg and, Second Assistant Fire Chief: Todd Gilbert.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #14-2019 – AUTHORIZE BUILDING OFFICIALS CONFERENCE ATTENDANCE

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Building Inspector Jeffrey A. Swanson, to attend the Finger Lakes Building Officials Association, Inc. annual Educational Conference, to be held in Rochester, N.Y., March 11th-13th. Mr. Swanson will be reimbursed for any necessary expenses incurred.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #15-2019 – AUTHORIZE THE ESTABLISHMENT OF A “LOCK BOX”

Motion by Trustee Schutte, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to establish a “lock box” address through one of the Village of Lakewood’s official banks, to which Village of Lakewood taxpayers will be able to remit their annual property tax bill payments.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

ANYONE TO BE HEARD

Mr. Thomas A. Turner, 33 East Lake Street, representing the efforts of the Chautauqua Lake Partnership, (CLP) indicated for the New York State Department of Environmental Conservation permit process, regarding plans to apply aquatic herbicides to targeted areas of Chautauqua Lake, to move forward, it will be necessary for the Village of Lakewood to issue a Positive Declaration.

JANUARY 14, 2019 (CONTINUED)

Trustee Barnes indicated to Mr. Turner that after having discussed this matter with Village Attorney LaMancuso, it was learned that this findings statement doesn't necessarily need to be done for the permitting process, however the Village of Lakewood will likely move on this quickly as possible. She added that although the positive findings statement isn't necessary for the permit process, it will however be required when the Village of Lakewood decides on the actual aquatic herbicide application approval.

Mr. Frank Nicotra, a Chautauqua Lake Partnership Board Member, said he agrees with Trustee Barnes in stating the positive findings statement isn't necessarily required for the NYS DEC permit process. He said the challenge for the CLP is submitting the necessary paperwork and applications to the NYS DEC as soon as possible. The CLP's role in this matter is to assist in any way they can in order to facilitate the permit process for participating lakeside municipalities.

Mr. Nicotra said because of the complexities of the permit process it is important to submit everything as soon as possible so things may proceed within the NYS DEC timeframes. He said submitting the required permit information doesn't obligate the Village of Lakewood to participate in the actual aquatic herbicide application. He said if the NYS DEC "batches" the permit information from the various participating municipalities, he doesn't want an application from a single municipality that has been "red flagged" to impact the review or approval of the rest of the applications. The CLP as a facilitator is trying to prevent any and all delays in the NYS DEC permitting process. Unfortunately last year the process encountered one delay after another. He said ideally the CLP would like the aquatic herbicide application to take place before recreational use of the lake begins in earnest.

Deputy Mayor McCague indicated to Mr. Nicotra that the Board of Trustees has authorized him to execute the NYS DEC Permit application and that funding for the permit fee has been allocated. With guidance from Village Attorney LaMancuso, the next step in the process is for the Village of Lakewood to produce a findings statement in connection with NYS DEC permit application. Mr. McCague said he is hopeful that can be accomplished very soon.

Mr. Nicotra asked Deputy Mayor McCague if the Village of Lakewood intends to file the permit application separately or will it be grouped or "batched" with other applications. If the applications don't all go in together or "batched" then that becomes a concern for the CLP.

Deputy Mayor McCague indicated to Mr. Nicotra that a new findings statement will be prepared.

Trustee Holcomb suggested that the Board of Trustees prepare a new findings statement this evening if it would help in moving the permit process along.

Deputy Mayor McCague indicated it will take the input from Village Attorney LaMancuso to formulate a new findings statement, adding he believes the Village of Lakewood is on track with the permit application process.

Mr. Phillip "Flip" Yates, 9 Oakland Ave., asked if the Village of Lakewood is in good shape with respect to the NYS DEC permit process.

Deputy Mayor McCague indicated with assistance from the CLP, the Village of Lakewood intends to submit the application, with the appropriate fee and the accompanying findings statement to the NYS DEC. Subsequently, if the permit is approved, the Village of Lakewood will then have to decide, with input from its residents, to move forward with the application of aquatic herbicides and spend the money, if it is available, to do so. He added, the application of aquatic herbicides is an expensive proposition.

JANUARY 14, 2019 (CONTINUED)

Chautauqua County Legislator P.J. Wendel wanted to clarify what transpired at recent meetings between County Executive Borrello and the various individual lake organizations. Mr. Wendel wanted to make it clear that money isn't going to be spent on additional lake studies, but rather move forward on a consensus of information and ideas shared by the lake organizations. The scientific evidence gathered already will be shared to incorporate a consensus strategy when it comes to lake management.

Legislator Wendel also wanted to report that the Emergency Medical Services (EMS) provided by Chautauqua County via the "Fly Car" System has been expanded to 24/7 service.

Motion by Trustee Barnes, seconded by Trustee Schutte and unanimously carried, the Board adjourned at 7:18 PM

Joseph M. Johnson
Village Clerk