

FEBRUARY 11, 2019

The third regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, February 11, 2019, 6:30 PM, 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 Building Inspector Jeffrey A. Swanson. Absent were Village Attorney John I. LaMancuso and Fire Chief Steve Smouse.

APPROVAL OF MINUTES

Motion by Trustee Schutte, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held January 28, 2019.

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

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Schutte, that the claims as audited by the Auditing Committee of the abstracts dated February 11, 2019, be approved and that the Clerk shall execute said abstracts (#37 & #38) and direct payment by the Treasurer. Trust & Agency Fund: \$ 61,892.99 (Checks #4645 thru #4653), General Fund: \$ 34,842.18 (Checks #15564 thru #15595)

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

REPORTS

Deputy Mayor McCague reminded the respective Department Heads their estimated budgets for the upcoming fiscal year are due by Friday, February 22, 2019. He added the Village of Lakewood sent a letter to the various lake organizations back in December asking them if they would care to make a brief presentation to the Board of Trustees, explaining their organization's plans for 2019. Deputy Mayor McCague said as of this evening, the Chautauqua Watershed Conservancy will speak at the February 25th meeting's work session, while the Chautauqua Lake Association will speak at the March 11th meeting's work session.

Department of Public Works Supervisor Thomas R. Pilling reported, with a brief break in the weather last week, the DPW crew with help from the Town of Busti and a local contractor managed to remove approximately seventy (70) yards of gravel and other sediment from Chautauqua Lake at the stormwater outfall located between 218 & 220 West Summit Street. Mr. Pilling said come spring the DPW crew will return to the site and repair any damage that may have occurred within the stormwater easement and on the abutting properties.

Mr. Pilling noted the plans for the stormwater management project being proposed for Crescent Creek, between East Summit Street and the railroad tracks, are posted in the Board Room. As soon as time and weather permit, he expects to get started on this long awaited project.

Deputy Mayor McCague said this stormwater management project includes multi-use trails around the site.

Mr. Pilling then asked about the \$ 100,000.00 NYSERDA grant funding, and wondered if some of that money could be used towards some upgrades to the Anthony C. Caprino Municipal Building.

Trustee Holcomb said he and the Board of Trustees are waiting to hear back from National Grid regarding the street light fixture conversion project, which will then allow the Village of Lakewood to move forward on the other components of the grant taking into account the information derived from the energy audits.

FEBRUARY 11, 2019 (CONTINUED)

Trustees Barnes said everything has been submitted to National Grid in connection with the proposal to convert the existing street lighting fixtures to LED fixtures. She said since there has been a considerable reduction in the cost to convert each of the street lighting fixtures, there could be more money available for the other projects.

Deputy Mayor McCague indicated to those who might not be aware, the Village of Lakewood qualified for a \$100,000.00 grant from NYSEERDA, which will allow the conversion of the street lighting fixtures and following energy audits on the DPW Garage, Fire Department and Village Hall, will help fund some energy related upgrades to those buildings.

Trustee Barnes added, converting to the LED street lighting fixtures should reduce the Village of Lakewood's annual street lighting costs by \$ 6,000.00 to \$ 7,000.00.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has handled one thousand one hundred sixty-two incidents year-to-date, three hundred seventy-five of which have occurred in the past two weeks. Chief Bentley wanted to publicly thank Trustee Holcomb for his generous donation to the L-BPD K-9 Unit.

He also reported that the L-BPD has been busy the past two weeks working with the FBI on the "take over" bank robbery that occurred at the Five Star Bank, Friday afternoon, February 1st. Chief Bentley said we got lucky having a good witness who took a photo of the suspect's vehicle and that the investigation is moving forward.

Deputy Mayor McCague indicated that although Fire Chief Smouse isn't in attendance this evening, he previously submitted the LFD's annual alarm report for 2018 and its alarm report for the month of January 2019.

Deputy Mayor McCague said Village Attorney LaMancuso is in court this evening but will attempt to make it to the meeting.

Village Treasurer Andrea J. Windoft reported the Village of Lakewood received its quarterly sales tax revenue check in the amount of \$ 173,925.00, for the months of November, December and January, which was a 2.8% increase, when compared with the corresponding quarter last year. She also reported that the Village of Lakewood has received its semi-annual payment, in the amount of \$ 245,000.00 from the Town of Busti in connection with the current Police Services Agreement between the Town and the Village. Treasurer Windoft then reminded members of the Board of Trustees to review the various Village of Lakewood current policies in place and make any updates as needed.

Building Inspector Jeff Swanson wished to report that following the Engineering Assessment that was conducted on the Anthony C. Caprino Municipal Building, by Rock Hill Engineering, LLC, Panama, N.Y., a year ago, one of the major flaws and/or safety issues noted in the report has been corrected. That still leaves a number of safety issues yet to be corrected.

Mr. Swanson said his report isn't all bad news, the longstanding property maintenance issue regarding the single family residence at 34 Sunset Ave., has been rectified, with its demolition and complete removal. Mr. Swanson said after reaching out to representatives from the Chautauqua County Land Bank, it appears the condemned residential properties at 22 East Summit Street and 158 East Terrace Ave., are on schedule for demolition and removal sometime later this spring.

Trustee Holcomb asked Mr. Swanson if the Chautauqua County Land Bank was involved with the demolition of 34 Sunset Ave.

FEBRUARY 11, 2019 (CONTINUED)

Mr. Swanson said they were not involved, rather the property was sold and although he hasn't received a building permit application yet, he expects the new owner to rebuild a single family residence on the property.

Mr. Swanson was asked about the vacant and substandard properties on Ohio Ave.

Mr. Swanson said there has been some interest in the former church property and is working on trying to get the owner of record to address some issues with the vacant property at 42 Ohio Ave. Regarding other substandard rental properties on Ohio Ave., Mr. Swanson said he has attempted to bring them into compliance by sending Notices of Violation to the property owners, adding it has been a challenge.

Deputy Mayor McCague indicated during the past year the Zoning Committee has been putting together a data base of properties whereat some property maintenance issues exist, and could be used to better track these violations and the landlords. He said it is a problem the Village of Lakewood is working on but as Mr. Swanson said it can be a challenge.

Mr. Swanson said he is also working to access the Zombie Property list at the NYS Department of State.

COMMITTEE REPORTS

Ms. Susan Lane, Village of Lakewood Historian, said she and the History Committee, with money from their budget, would like the Board of Trustees' permission to purchase a bench, similar to the ones situated along Chautauqua Ave., for Lowe Park. A goal of the History Committee is to take a piece of history out of the museum and into the community. Because the Lowe Farm was one of the seven farms in Lakewood back in the day, she believes a bench in Lowe Park would be a fitting historic tribute to the Lowe family. Instead of Lakewood noted on the bench, the bench would indicate Lowe Park. She said a bench at that location would afford folks a place to sit to enjoy the lake, plus make the beautiful "green space" in the park friendlier.

Deputy Mayor McCague indicated to Ms. Lane that he thinks it is a great idea and asked her to provide the Board of Trustees some information on the bench so the matter may be placed on the agenda of the next regular meeting.

Deputy Mayor McCague then noted that he will be attending an information session conducted by the Chautauqua Lake Partnership (CLP), Tuesday, February 12th on the NYS DEC Permit process with respect to the aquatic herbicide application being proposed for 2019. Mr. McCague said he has also been asked to sit-in on a meeting this Wednesday, between representatives from Chautauqua County and the consulting firm Ecology & Environmental, Inc., Lancaster, N.Y., to discuss Chautauqua Lake initiatives.

RESOLUTION #25-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Schutte, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 40.00 from Trust & Agency Account T-1093.15, [Farmers' Market], to General Fund Account A-8510.40, [Community Beautification].

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

RESOLUTION #26-2019 – AUTHORIZE REQUEST FOR BIDS RE: NEW POLICE DEPT. VEHICLES

Motion by Trustee Schutte, seconded by Trustee Barnes, authorizing Police Chief John R. Bentley, to request sealed bids for one (1) new marked Police Patrol Car and one (1) new unmarked Sport Utility Vehicle, (SUV). Bids are to be received at or before 3:00 PM, Friday, February 22, 2019.

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

FEBRUARY 11, 2019 (CONTINUED)

DISCUSSION – RE: LICENSE AGREEMENT WITH SAILING FOUNDATION

Trustee Barnes indicated she has a couple of concerns about the License Agreement between the Village of Lakewood and the Chautauqua Lake Community Sailing Foundation, Inc., (CLCSF) with respect to use of the waterfront and beach house. She said under law, the Village of Lakewood should charge a fair market value when entering such an agreement but doesn't have any idea what the value of the in-kind services the CLCSF provides to the community at large.

Trustee Barnes then asked CLCSF Board Member Mr. Jake Kane if he could put together and submit some figures that could quantify those in-kind costs/services that are delivered to the community.

Mr. Kane said he would be happy to put something together, however a lot of the information will be determined by how many individuals end up participating in the different programs offered. He said the CLCSF has three new programs. They include a gym class at Southwestern Central School, lesson programs with the Jamestown Boys & Girls Club and the Jamestown YMCA and YWCA.

Trustee Barnes said she would just like a baseline of in-kind services provided to the community to justify the \$ 1.00 License Agreement fee.

Mr. Kane indicated the CLCSF initially made a huge program investment of over \$ 200,000.00 with the purchase of a fleet of twelve boats, a floating dock, plus securing a full time sailing instructor who's paid an annual salary. This investment, meaning the equipment, is shared by everyone that participates in the sailing programs conducted by the CLCSF. Mr. Kane said being a foundation as they are, people think it has more money than it knows what to do with it, when in reality the CLCSF seeks contributions throughout the year in order to pay its operating expenses.

Trustee Schutte suggested to Mr. Kane that a basic financial report explaining the CLCSF's annual revenue and expenses should suffice. He said the programs offered by the CLCSF are beneficial to the local community and surrounding area and said it is very worthwhile for the Village of Lakewood to help promote them.

Trustee Barnes said the park and beach house are owned by the taxpayers and according to the facility manager, the beach house, at times, has not been maintained by the CLCSF as required by the License Agreement. She has suggested that the Village of Lakewood consider requiring a deposit from the CLCSF annually.

Mr. Kane did admit that there was one incident that after coming off the lake, and putting everything away the equipment and supplies probably weren't stored away as they should have been. But this single incident cannot be considered representative of how the facility was maintained by the CLCSF throughout 2018 sailing season.

Mr. Kane said the CLCSF is all about promoting sailing in the community and appreciates the great visibility the CLCSF, as an organization, has here in Lakewood.

Deputy Mayor McCague said the CLCSF provides an amenity and essential service to the community, in introducing and promoting the wholesome activity of sailing to the area's youth. He said it represents a benefit that one cannot place a specific value on, and with that, strongly recommends the Board of Trustees approve this License Agreement.

FEBRUARY 11, 2019 (CONTINUED)

RESOLUTION #27-2019 – APPROVE THE 2019 LICENSE AGREEMENT WITH THE CLCSF

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to approve the draft of the 2019 License Agreement between the Village of Lakewood and the Chautauqua Lake Community Sailing Foundation, Inc., regarding the continued use of the Beach House and waterfront property at Richard O. Hartley Park for the 2019 sailing season and to authorize Deputy Mayor McCague to execute the same.

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

RESOLUTION #28-2019 – RESERVE DECISION ON AQUATIC HERBICIDE APPLICATION - 2019

Motion by Trustee Barnes, seconded by Trustee Holcomb, WHEREAS, the Village Board of Trustees is considering whether to undertake the application of herbicides to areas of Chautauqua Lake bordering its jurisdiction and has applied for a permit from the New York State Department of Environmental Conservation (NYS DEC), to apply herbicides to areas of Chautauqua Lake bordering its jurisdiction; and WHEREAS, the Town Board of the Town of Ellery, serving as the Lead Agency in the State Environmental Quality Review Act (SEQRA) process, issued a final supplemental environmental impact statement (SEIS) for the application of herbicides to target areas of Chautauqua Lake on April 5, 2019; and WHEREAS, the Ellery Town Board, serving as Lead Agency issued SEQRA Findings regarding the application of herbicides to Chautauqua Lake on April 17, 2018; WHEREAS, as an Involved Agency in the SEQRA process, the Village Board has the authority to issue SEQRA Findings that consider all relevant environmental impacts, facts, and conclusions disclosed in the SEIS; that weigh and balance the relevant environmental impacts with social, economic, and other considerations that provide a rationale for the Village Board's decision; that certify that the requirements of SEQRA have been met; and that certify that, among reasonable alternatives available, the application of herbicides to areas of Chautauqua Lake bordering the Village of Lakewood's jurisdiction avoids or minimizes adverse environmental impacts to the maximum extent practicable; and WHEREAS, the Village Board has considered all relevant environmental impacts, facts, and conclusions disclosed in the SEIS that are relevant to the application of herbicides to areas of Chautauqua Lake bordering the Village of Lakewood's jurisdiction; has weighed and balanced the relevant environmental impacts with social, economic, and other considerations; and has found that the SEIS has provided a rationale upon which the Village Board may rely in making any final decision on whether to undertake the application of herbicides to target areas of Chautauqua Lake; and WHEREAS, the Village Board reviewed the Findings; and WHEREAS, the Village Board is reserving its decision on whether to undertake the application of herbicides to Chautauqua Lake until after receipt of relevant permits from the NYS DEC; NOW THEREFORE BE IT RESOLVED, To certify that the requirements of SEQRA have been met; To certify that, among the reasonable alternatives available, the proposed treatment plan and mitigations set forth in the SEIS regarding the application of herbicides to targeted areas of Chautauqua Lake avoids or minimizes adverse environmental impacts to the maximum extent practicable; To incorporate into this resolution by reference the attached Findings; To accept and issue said Findings; To provide the Findings to all Involved and Interested Agencies (as those terms are defined in 6 NYCRR 617.2) and interested parties; After issuance and review of any permit(s) from the NYS DEC, to consider the SEIS, SEQRA Findings, and permit requirements to make a determination whether to approve a resolution to apply herbicides to Chautauqua Lake.

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

RESOLUTION #29-2019 – APPROVE 2019 DOCK PERMIT APPLICATION

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve a 2019 Dock Permit application as submitted by Mr. Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. right-of-way, and to authorize the Village Clerk to execute and issue the same.

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

FEBRUARY 11, 2019 (CONTINUED)

RESOLUTION #30-2019 – ADOPT NEW YORK STATE'S SEXUAL HARASSMENT POLICY

Motion by Trustee Holcomb, seconded by Trustee Schutte, for the Village of Lakewood to adopt New York State's Sexual Harassment Policy.

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

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees at 7:17 PM, so as to enter into executive session to discuss personnel matters.

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

EXECUTIVE SESSION

Present at the executive session were Deputy Mayor Edward J. McCague, Trustee Ellen E. Barnes, Trustee Randall D. Holcomb, Trustee Douglas L. Schutte, Village Attorney John I. LaMancuso, Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, and Deputy Clerk-Treasurer Mary B. Currie. Motion by Trustee Holcomb, seconded by Trustee Barnes, to adjourn the executive session at 8:12 PM.

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

Motion by Trustee Schutte, seconded by Trustee Holcomb, and unanimously carried, the Board adjourned at 8:13 PM.

Joseph M. Johnson
Village Clerk