

MARCH 23, 2020

The sixth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, March 23, 2020, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes and R. Richard Fischer. Trustees Douglas Schutte participated via cell phone and Trustee Edward J. McCague participated via Zoom audio. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman and Village Attorney John I. LaMancuso. Absent were Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees held March 9, 2020.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Fischer, that the claims as audited by the Auditing Committee of the abstracts dated March 23, 2020, be approved and that the Clerk shall execute said abstracts (#43 & #43) and direct payment by the Treasurer. Trust & Agency Fund: \$ 47,080.41, (Checks #5006 and #5007), General Fund: \$ 40,397.95, (Checks #16687 thru #16722).

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

REPORTS

Mayor Randall Holcomb began by saying he has been in contact with Officials from Chautauqua County and they have told him they are still planning to hold their meeting Wednesday evening. He also has been in contact with Officials from the City of Jamestown and they are also holding their City Council meeting this evening.

Mayor Holcomb said he feels secure in having tonight's meeting and has hopes of keeping it short.

DPW Supervisor Thomas R. Pilling submitted a report saying the DPW crews are currently working at 50% staff as ordered by Governor Cuomo. Mr. Pilling said he will be having three (3) of his staff working for two (2) weeks then for the next two (2) weeks he will be having the other three (3) work.

Mr. Pilling also reported, the DPW crews will be busy for the remainder of this week sweeping the roads.

Supervisor Pilling asked if there has been any thought on the entrance signs to the Village of Lakewood.

Mr. Pilling said he has received a price for the replacement windows to be installed in the Anthony C. Caprino Municipal Building, through the NYSEDA grant and is waiting for contractors to submit a price for the installation.

Police Chief John R. Bentley submitted his Incident Analysis Report for the dates March 9, 2020 to March 23, 2020.

Fire Chief Kurt Hallberg submitted his reported saying the Lakewood Fire Department has had two hundred twenty-seven alarms year to date, fifty-six of which have been in the month of March.

Chief Hallberg also reported, due to COVID-19, the Lakewood Fire Department has cancelled all non-essential events such as meeting and drills but they are prepared to respond to emergencies within their district.

Chief Hallberg said the Lakewood Fire Department is very fortunate to have County Executive PJ Wendel, Deputy Coordinator and Special Projects Coordinator Daniel Imfeld and EMS Captain Sharoy Ruby, an employee with the Chautauqua County Health Department, all members of the department. They are keeping the Fire Department up to speed on the latest directives that need to be implemented in connection with the Coronavirus pandemic.

Chief Hallberg also reported that everyone should rest assure that the Lakewood Fire Department as well as Southwestern General Maintenance, the village janitorial service, is sanitizing the vehicles and buildings with germicidal and virucidal products.

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Chief Hallberg also said the Fire Department has a supply of masks and suits that would be needed for a “PIDS” (Potential Infectious Disease Symptoms) call. If the Fire Department is dispatched to a “PIDS” call, all personnel is to report to the station where a minimal crew is equipped with the proper “PPE” (Personal Protective Equipment) before responding in the ambulance. No one will be going to that type of call in their personal vehicle.

Village Clerk Mary B. Currie reported the Adult Easter Egg Hunt, which was previously scheduled at Richard O. Hartley Park in April, has been cancelled.

Trustee Ellen E. Barnes reported she has been in contact with Fire Chief Hallberg, Police Chief Bentley, Chautauqua County Officials and Emergency Medical Services for the county and said they are all being very proactive in protecting themselves while they are on duty.

Trustee Barnes also said she has been successful in securing face masks and hand sanitizers for the Lakewood Police Officers.

PUBLIC HEARING 6:40 PM
RE: LOCAL LAW #1-2020
ESTABLISH FEE SCHEDULE FOR APPLICATIONS
TO INSTALL SMALL WIRELESS FACILITIES

Mayor Holcomb opened the public hearing at 6:40 PM on the proposed amendment to the local zoning law, [Chapter #25] and Local Law #1-2020, establishing fee schedules for applications to install small wireless facilities.

Mayor Holcomb began the public hearing by reading some of the comments received from Chautauqua County Division of Planning and Community Development, RE: Municipal Zoning Referral Form on Local Law #1-2020.

Mayor Holcomb said they applaud the Village for being proactive in regulating small wireless facilities and for adding aesthetic standards that govern small wireless facilities.

Mayor Holcomb asked if there was anyone who has a question or comment.

Mr. Jay Young, reporter for The Post Journal, asked if the fee schedule would just cover the standard recommendation rate from the FCC, with the provision for the aesthetic standard, as well as for the 5G boxes.

Mayor Holcomb responded saying, yes it did.

With no one else to be heard, Mayor Holcomb closed the public hearing at 6:43 PM, and proceeded to re-open the regular meeting.

RESOLUTION #57-2020 – ADOPT LOCAL LAW #1-2020 – ESTABLISHING FEE SCHEDULE
FOR APPLICATIONS TO INSTALL SMALL WIRELESS FACILITIES

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to adopt Local Law #1-2020, as proposed, amending the Village of Lakewood Zoning Law Chapter #25-71 [Schedule of fees] to include establishing a fee schedule for applications to install small wireless facilities.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

RESOLUTION #58-2020 – APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Village of Lakewood to approve the issuance of a Negative Declaration in connection with proposed of Local Law #1-2020, establishing a fee schedule for applications to install small wireless facilities within the Village of Lakewood, as it pertains to compliance with the State Environmental Quality Review (SEQR) process.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

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DISCUSSION

Mayor Holcomb asked Village Attorney John I. LaMancuso if he would give an update on what has happened with the request from Up State Tower Co. for a Building Permit allowing the construction of a cell tower on Lakewood Fire Company property.

Village Attorney LaMancuso said Up State Tower Co. has provided a proposed Approval Resolution which would approve the application from Up State Tower Co. for Site Plan Approval, which is what Judge Sessions ordered in January.

Attorney LaMancuso said the Zoning Board of Appeals met last week and approved the Use Variance application and the same Settlement Agreement the Board of Trustees will be considering this evening.

Trustee Barnes asked Mr. LaMancuso if the Settlement Agreement states they will reserve space on the tower for Public Safety co-location sites for Police and Fire antennas and they will be between 90 and 120 feet.

Attorney LaMancuso said they did put the Public Safety co-location sites in the Settlement Agreement at that height.

Attorney LaMancuso said he has made a few minor adjustments to the Approval Resolution by adding “monopole” to the resolution, making sure the tower company installs a Monopole Tower, not a Lattice Tower.

Attorney LaMancuso said Up State Tower Co. is also asking the Village of Lakewood to approve the Settlement Agreement he and the Attorneys for Up State Tower Co. have been working on.

Attorney LaMancuso said he has also made a couple of minor adjustments to the Settlement Agreement. The changes he made are adding “monopole” to page one, so they will put up a monopole tower, not lattice. He changed number five on page two to say “or similar models”, that way if the model is no longer available, they won’t be able to put just anything up.

Attorney LaMancuso also said he changed some of the wording in number five on page three saying all parts of the Village antennas will remain above the existing tree line.

Attorney LaMancuso said he and Trustee Barnes have talked to the Fire Company about added space around the tower, should there be a need with additional equipment that could be needed to go with the Public Safety Antennas.

Trustee Barnes said she did talk to Fire Company President Jack Knowlton and he said there should be plenty of room for them to use, should they need the additional equipment.

**RESOLUTION #59-2020 – APPROVE RESOLUTION GRANTING UP STATE TOWER CO., LLC, AND
BUFFALO-LAKE ERIE WIRELESS SYSTEMS CO. FINAL SITE PLAN APPROVAL**

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to approve the Approval Resolution granting Up State Tower Co. LLC and Blue-Lake Erie Wireless Systems Co., LLC final Site Plan Approval to build a 180 foot monopole telecommunications facility at the south end of Glenwood Ave.
Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

**RESOLUTION #60-2020 – APPROVE THE SETTLEMENT AGREEMENT BETWEEN
UP STATE TOWER CO. LLC, BUFFALO-LAKE ERIE WIRELESS SYSTEMS CO.
AND THE VILLAGE OF LAKEWOOD**

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to approve the Settlement Agreement between Up State Tower Co. LLC, Blue-Lake Erie Wireless Systems Co. and the Village of Lakewood as it relates to the 180 ft. cell tower, as proposed, and authorize Mayor Holcomb to execute said agreement.
Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

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RESOLUTION #61-2020 – APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Village of Lakewood to approve the issuance of a Negative Declaration in connection with the Approval Resolution and the Settlement Agreement in the Up State Tower Co., LLC & Blue-Lake Erie Wireless Systems, Co. LLC and The Village of Lakewood, as it pertains to compliance with the State Environmental Quality Review (SEQR) process.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

RESOLUTION #62-2020 – APPROVE 2020 DOCK PERMIT APPLICATION

Motion by Trustee Barnes, seconded by Trustee Fischer, to approve the 2020 Dock Permit Application as submitted by Mr. Tony Costanzo, 138 East Terrace Ave. for the Oakland Ave. right-of-way.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

RESOLUTION #63-2020 – TABLE ACTION ON 4TH OF JULY FIREWORKS DISPLAY CONTRACT

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to table any action on the contract between the Village of Lakewood and Zambelli Fireworks Mfg., Co. until the April 13, 2020 Board of Trustees meeting to see what the quarantine status is with COVID-19.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

RESOLUTION #64-2020 – AUTHORIZE MID-YEAR GENERAL FUND MODIFICATION

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make a mid-year General Fund modification to the accounts for CDBG Project 614HR354-17 actuals. Increase A103989.00 {State Aid, CHRIC} to \$ 407,925.23 and Increase A8668.20 {NYS Rehab Grant-CHRIC} to \$ 389,434.23.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

RESOLUTION #65-2020 – AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make a mid-year transfer, \$ 2,973.81 from A-1620.40 {Buildings-Contractual} and \$ 3,000.00 from A-1990.40 {Contingent Account} to A-1910.40 {Unallocated Insurance} for a budget shortfall.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

RESOLUTION #66-2020 – AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make a mid-year budget transfer of \$ 9,162.00 from A-1325.10 {Treasurer-Salaries} to A-1410.10 {Clerk-Salaries} to account for Clerk and Deputy Clerk Salaries to fiscal year end.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

RESOLUTION #67-2020 – SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Fischer, seconded by Trustee Barnes, to set 6:45 PM, Monday, April 13, 2020, as the time and date for the Board of Trustees to conduct a public hearing on the Village of Lakewood's Tentative Budget for the fiscal year June 1, 2020 – May 31, 2021.

Adopted: 3 ayes, no nays (Barnes, Fischer, Schutte) (McCague not audible through Zoom)

Motion by Trustee Fischer, seconded by Trustee Barnes and unanimously carried the Board adjourned at 7:20PM.

Mary B. Currie
Village Clerk