

MARCH 25, 2019

The sixth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, March 25, 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 March 11, 2019.

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

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the minutes of the special meeting of the Board of Trustees, held 10:00 AM, Wednesday, March 20, 2019.

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

#### AUDIT OF CLAIMS

Motion by Trustee Schutte, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated March 25, 2019, be approved and that the Clerk shall execute said abstracts (#43 & #44) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,066.90 (Checks #4675 thru #4683), General Fund: \$ 84,676.47 (Checks #15671 thru #15706)

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

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported the DPW crew has started clearing some of the property west of Crescent Creek in connection with planned Water Quality Improvement Project (WQIP). Changing subjects, Mr. Pilling wanted to put into perspective the cost of the in-kind services that have been quoted for the Chautauqua Ave. Green Retrofit Project. The \$ 66,625.00 of in-kind services to be rendered by the DPW represents approximately 1,824 man hours or fifty-seven eight hour days for a crew of four.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled two thousand two hundred incidents year-to-date, three hundred sixty-one of which occurred during the past two weeks. Chief Bentley then wished to thank DPW Supervisor Pilling and the DPW crew for recently replacing the lighting fixtures in the police car bay.

Village Treasurer Andrea J. Windoft indicated members of the Board of Trustees have received a memo from the NYS Comptroller's Office which notes the Village of Lakewood is in good shape financially, and fortunately not included on the list of municipalities experiencing "fiscal stress". Mrs. Windoft indicated that she will need to make a slight adjustment in the tentative budget by increasing the Flood & Erosion Account A8745.40, [Natural Resource-Crescent Creek], by \$ 25,000.00, to total \$ 89,600.00, and to increase Revenue Account 3997 by the same amount. Treasurer Windoft indicated the Village of Lakewood received the \$ 25,000.00 three years ago as a down payment on the \$ 100,000.00 NYS DEC Grant for the Crescent Creek Water Quality Improvement Project (WQIP).

Building Inspector Jeff Swanson reported an unnamed "fast food" restaurant will soon be developing an out-parcel at the Chautauqua Mall, located between Ruby Tuesday and the Olive Garden. Mr. Swanson said he expects to receive plans for the project sometime next month.

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Mr. Swanson said with assistance from Trustee Holcomb and former Senator Catharine Young's office he has been trying to access the "zombie property" list for the Village of Lakewood and Town of Busti.

Trustee Holcomb interjected saying, he was able to print out the "zombie property" listing earlier in the afternoon. He proceeded to present copies to both Mr. Swanson and Deputy Mayor McCague.

Mr. Swanson said the information contained in the "zombie property" listing is confidential to only he and the municipality's highest ranking official.

Mr. Swanson also reported he recently attended the Finger Lakes Building Officials Association, Inc. (FLBOA), annual educational conference in Rochester, N.Y. He said as expected there are a few new changes in the NYS Building Codes. Mr. Swanson said he is still hopeful that the Chautauqua County Land Bank will soon be addressing the condemned residential structures at 22 East Summit St. and 158 East Terrace Ave., which are scheduled for demolition.

#### COMMITTEE REPORTS

Trustee Barnes reminded those in attendance of the open discussion on lake weeds and aquatic herbicide application, which will take place 6:00 PM, Wednesday, March 27<sup>th</sup> at the American Legion Post #1286, 174 Chautauqua Ave. Village of Lakewood residents are encouraged to attend and share their thoughts on the lake weed issue and a proposal to "treat" targeted areas of the lake with aquatic herbicides. Trustee Barnes said resident input will assist members of the Board of Trustees in deciding what to do.

Deputy Mayor McCague said we are hoping for a good turn-out, resulting in some wonderful input to get a sense of what the community wants.

#### RESOLUTION #53- 2019 – SELECT ADMINISTRATOR FOR NYS MAIN STREET GRANT

Motion by Trustee Barnes, seconded by Trustee Schutte, for the Board of Trustees to select Clinton Brown Co. Architecture, PC, Buffalo, N.Y., to administer and manage the NYS Main Street Grant, in connection with planned façade and other improvements to seven structures along Chautauqua Ave. NOTE: The Village of Lakewood received two (2) proposals as follows: Clinton Brown Co. Architecture, PC, Buffalo, N.Y., in the amount of \$ 23,755.00 and LaBella, Rochester, N.Y., in the amount of \$22,500.00.

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

#### RESOLUTION #54-2019 – SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to set 6:40 PM, Monday, April 8, 2019 as the time and date to conduct a public hearing on proposed Local Law #1-2019, amending the current Village of Lakewood Zoning Law, regulating excessive or unreasonable noise.

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

#### RESOLUTION #55-2019 – AUTHORIZE PAYMENT OF ZOOMCOPY.COM INVOICE

Motion by Trustee Barnes, seconded by Trustee Schutte, to authorize payment of an invoice in the amount of \$ 543.50, submitted by ZoomCopy.com, for copying services provided to Richard E. Stanton, Esq., Buffalo, N.Y., in connection with on-going litigation regarding the proposed cell tower.

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

MARCH 25, 2019 (CONTINUED)

RESOLUTION #56-2019 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Schutte, to set 6:50 PM, Monday, April 8, 2019, 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 of June 1, 2019 – May 31, 2020.

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

RESOLUTION #57-2019 – REVIEW/AWARD BID FOR A POLICE SPORT UTILITY VEHICLE (SUV)

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to accept the low net bid of \$ 18,513.00, as submitted by Fredonia Chrysler-Dodge-Jeep-Ram, Fredonia, N.Y., for one (1) 2019 Dodge Durango, per the recommendation of Police Chief John R. Bentley. NOTE: The vehicle will be used by the L-BPD K-9 Unit. Chief Bentley also noted the vehicle will be paid from the Village of Lakewood's asset forfeiture account and at no cost to the taxpayers.

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

RESOLUTION #58-2019 – AUTHORIZE LOCAL GOVERNMENT CONFERENCE ATTENDANCE

Motion by Trustee Schutte, seconded by Trustee Holcomb, 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, Thursday, May 9, 2019. The one day conference is being presented by Southern Tier West Regional Planning & Development Board, Salamanca, N.Y.

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

ANYONE TO BE HEARD

Mr. Raymond Ayers, 124 East Terrace Ave. asked Deputy Mayor McCague if he is able to share any information on what exactly is going on with the cell tower litigation. He wondered if there is an end to the litigation in sight.

Trustee Barnes suggested that this question be referred to Village Attorney LaMancuso who might be willing to prepare a generalized statement on where the litigation stands.

Deputy Mayor McCague understands that some residents might be interested in the proposed cell tower matter and when people don't know what is going on, that is when the rumors start flying. The fact of the matter is because there is ongoing litigation, the Board of Trustees may only discuss specifics during executive sessions. At this point everything is privileged information and the Board of Trustees doesn't have the liberty to say anything. Deputy Mayor McCague said the litigation is still on-going and it is unknown how long the legal process will take.

Chautauqua County Legislator P.J. Wendel indicated that things at the county level are pretty quiet, however a press conference has been called by County Executive George Borrello for 10:00 AM, Wednesday, March 27<sup>th</sup>, announcing the Chautauqua Lake Consensus Strategy. Mr. Wendel said Chautauqua County has stepped-up in a leadership role in presenting a Memorandum of Agreement for major lake stakeholders to consider adopting so as to work effectively together in managing Chautauqua Lake's weed issue.

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 6:56 PM.

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Joseph M. Johnson  
Village Clerk

