

MAY 13, 2019

The ninth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, May 13, 2019, 6:30 PM, with Deputy Mayor Edward J. McCague presiding. Trustees present were Randall G. Holcomb, and Douglas L. Schutte. Also present were Village Clerk Joseph M. Johnson, Deputy Village Treasurer Mary B. Currie, Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Fire Chief Steve Smouse and Building Inspector Jeffrey A. Swanson. Absent were Trustee Ellen E. Barnes, Village Treasurer Andrea J. Windoft and Department of Public Works Supervisor Thomas R. Pilling.

APPROVAL OF MINUTES

Motion by Trustee Schutte, seconded by Trustee Holcomb, to approve the minutes of the last regular meeting of the Board of Trustees, held April 22, 2019.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

Motion by Trustee Holcomb, seconded by Trustee Schutte, to approve the minutes of the special meeting of the Board of Trustees, held May 7, 2019.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

AUDIT OF CLAIMS

Motion by Trustee Schutte, seconded by Trustee Holcomb, that the claims as audited by the Auditing Committee of the abstracts dated May 13, 2019, be approved and that the Clerk shall execute said abstracts (#51 & #52) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,031.08 (Checks #4705 thru #4725), General Fund: \$ 67,396.77 (Checks #15776 thru #15828)
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

REPORTS

Deputy Mayor McCague wished to report that the Main Street Grant program is moving forward and noted the Grant Administrator, Ms. Alma O'Connell-Brown, from Clinton Brown Company Architecture, pc, Buffalo, N.Y., was in town last Thursday and met or talked with grant participants. With them, she reviewed the terms of the grant and went over their individual proposals. Ms. O'Connell-Brown indicated to Deputy Mayor McCague, it was a very productive day and that she is excited to be working on Lakewood's main street grant project. Mr. McCague said in addition, the Village of Lakewood received a letter from New York State's Housing Trust Fund Corporation, (HTFC) which identified the project as a Type II Action, per SEQR and provides environmental clearance for the projects to begin.

Deputy Mayor McCague said another grant impacting Chautauqua Ave. is the Green Street Retrofit Project. He said the Village of Lakewood recently received a letter from the NYS Environmental Facilities Corporation (EFC), accepting the joint Town of Busti-Village of Lakewood Stormwater Engineering Study, completing Phase I of this project.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled three thousand four hundred thirty-three incidents year-to-date, five hundred twenty-three of which occurred during the past two weeks. Chief Bentley said things have been steady plus the L-BPD's new Dodge Durango has been delivered, and he is awaiting the delivery of the two new police patrol cars.

Chief Bentley wanted to let residents know if they have any traffic complaints, he and officers will be glad to address them. He also noted that the L-BPD, with help from the NY State Police will soon be conducting its annual truck detail.

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Mr. David Card, 38 Chautauqua Ave., asked Chief Bentley if a person recognizes someone on a local wanted list, can or should that person be reported to law enforcement.

Chief Bentley indicated to Mr. Card that he or anyone else should report any wanted person to local law enforcement to investigate.

Fire Chief Steve Smouse reported the Lakewood Volunteer Fire Department answered sixty alarms during the month of April and a total of three hundred twenty-eight year-to-date. Chief Smouse also distributed the monthly alarm report for the month of April, detailing the LFD's activities.

Building Inspector Jeff Swanson indicated that he has been in touch with representatives from the Chautauqua County Land Bank regarding the two residential properties scheduled for demolition. He noted they are awaiting the results of the asbestos surveys that have been submitted for each of the properties. Mr. Swanson said if the reports come back "clean, the next step for the Chautauqua County Land Bank will be to seek bids for demolition.

Mr. Swanson said the number of storage sheds that are "popping-up" without the benefit of building permits is increasing. He noted that the Village of Lakewood Zoning Law allows sheds under 150 sq. ft. in size without requiring a building permit while the NYS Building Code sets the maximum shed size not needing a building permit at 144 sq. ft. In this case, the more restrictive NYS Code would be the one enforced. He stressed that sheds not requiring building permits will still need to meet the required set-backs for the specific zoning district they are located within. Mr. Swanson concluded his report saying things are starting to get busy with construction activities and property maintenance enforcement.

COMMITTEE REPORTS

Village of Lakewood Historian Susan Lane indicated that the Town of Busti is proposing to purchase new cemetery markers for each of the four cemeteries they maintain. Ms. Lane said because the Bentley Cemetery, located on the corner of East Fairmount Ave. and Shadyside Ave., is one of the four cemeteries, the History Committee would like to purchase its marker. She noted that monies to buy the marker/sign would come from the History Museum's memorial fund, and be capped-off at a maximum of \$350.00.

Deputy Mayor McCague said it sounds like a wonderful idea and doesn't believe the History Committee's gift to the Town of Busti would necessitate any action by the Board of Trustees.

Deputy Mayor McCague noted the first item under old business is to review the targeted areas of Chautauqua Lake off/from Lakewood's shorelines to be treated with aquatic herbicides Aquathol K and Navigate, per the permits issued by the NYS DEC.

Deputy Mayor McCague then made a brief slide presentation, depicting a map of Chautauqua Lake, showing exactly where the herbicides would be applied. He said the NYS DEC permits issued included a total of 222.3 acres that could potentially be treated with the aquatic herbicides, however not all of the acreage was approved for treatment. Of the 222.3 acres, 74.5 acres were approved for aquatic herbicide treatment. Mr. McCague indicated the area off Sherman's Bay did not get approved for treatment this year. He then pointed out three areas, A, B & C, east of the Chautauqua Lake Yacht Club, measuring 14.9 acres, 18.1 acres and 41.5 acres, respectively, which make up the 74.5 total acres approved for treatment. Deputy Mayor McCague said area C is considered part of solution to the weed problems plaguing Burtis Bay. He said per the NYS DEC permits, treatment will occur between May 15th - May 22nd. In addition all the work is being done in compliance with Chautauqua County's Memorandum of Agreement (MOA) and fully funded. Deputy Mayor McCague said one of the staging areas for the contractor, (Solitude Lake Management) applying the herbicides will be Lakewood's Community Park/Boat Launch, east of the Lakewood Rod & Gun Club.

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He said everyone must observe the water use restrictions that will be posted on signs along the shoreline of areas treated and on the Village of Lakewood's web-site.

Trustee Holcomb indicated that he and Town of Busti Supervisor Jesse Robbins will be posting twenty signs along Lakewood's shorelines tomorrow, (Tuesday, May 14th).

RESOLUTION #81-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Holcomb, seconded by Trustee Schutte, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 120.00 from Trust & Agency Account T-1093.15, [Farmer's Market], into General Fund Account A-8510.40, [Community Beautification], to pay for market related expenses.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

RESOLUTION #82-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Schutte, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 2,375.00 from Account A-1990.40, [Contingent], into Account A-8020.40, [Planning], to pay for grant administration services in connection with the New York State Main Grant Project for Chautauqua Ave.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

RESOLUTION #83-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Holcomb, seconded by Trustee Schutte, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 3,000.00 from Account A-3120.42, [Police Gasoline], and \$ 9,986.00 from Account A-3120.40, [Police Contractual], into Account A-3120.20, [Police Equipment], to fund the purchase of the Lakewood-Busti Police Department's new 2019 Dodge Durango.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

RESOLUTION #84-2019 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Schutte, seconded by Trustee Holcomb, for the Board of Trustees to set 6:40 PM, Tuesday, May 28, 2019 as the time and date to conduct a public hearing on Site Plan Review for the new 2,600 sq. ft. Taco Bell restaurant being proposed for an out-parcel at the Chautauqua Mall, between Ruby Tuesday and Olive Garden restaurants.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

RESOLUTION #85-2019 – AUTHORIZE LANCASTER, PA FIRE EXPO ATTENDANCE

Motion by Trustee Holcomb, seconded by Trustee Schutte, for the Board of Trustees, acting as the Board of Fire Commissioners, authorizing First Assistant Fire Chief Kurt W. Hallberg to attend the Lancaster, PA Fire Expo, to be held May 16th – May 18th.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

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RESOLUTION #86-2019 - AUTHORIZE NYS HIGHWAY SUPERINTENDENTS CONFERENCE ATTENDANCE

Motion by Trustee Schutte, seconded by Trustee Holcomb, authorizing Department of Public Works Supervisor Thomas R. Pilling, to attend the New York State Highway Superintendents Conference to be held in Ithaca, N.Y., June 3rd – June 5th.

Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

RESOLUTION #87-2019 – RESCHEDULE NEXT REGULAR BOARD OF TRUSTEES MEETING

Motion by Trustee Holcomb, seconded by Trustee Schutte, that due to the upcoming Memorial Day Holiday, (Monday, May 27th) to reschedule the next regular meeting of the Board of Trustees for 6:30 PM, Tuesday, May 28, 2019.

Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

RESOLUTION #88-2019 – APPROVE 2019 DOCK PERMIT APPLICATIONS

Motion by Trustee Holcomb, seconded by Trustee Schutte, to approve the following 2019 Dock Permit Applications as submitted by Dr. Albert Persia, 74 E. Terrace Ave., for the Maple Ave. right-of-way, Mr. John Hickey, 147 W. Summit St., for the Gifford Ave. right-of-way, Mr. Jeff Weemhoff, 159 E. Terrace Ave., for the Glenwood Ave. right-of-way, and Mr. Steve Johnson, 26 Harlem Ave., for the Harlem Ave. right-of-way, with the condition that the Village of Lakewood receive appropriate Certificates of Insurance from Dr. Persia and Mr. Weemhoff.

Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

ANYONE TO BE HEARD

Mrs. Sue Chandler, 207 W. Summit St., appeared before members of the Board of Trustees, and said speaking of rights-of-way to the lake, the Division St. right-of-way across from her house, is unique in that it is in a cove, which unfortunately collects a lot of lake debris. Because the amount of debris is more than can be easily managed, she wondered if the Department of Public Works would consider helping out in clean-up of the right-of-way.

Deputy Mayor McCague said we can certainly ask the DPW Supervisor to take a look at the situation.

Fire Chief Smouse indicated that lake access points are also considered fire rights-of-way, so it is important that they remain clear, allowing an engine to approach the shoreline for water if the need arises.

Mr. David Card, 38 Chautauqua Ave., wanted the Board of Trustees to know there are very few Chautauqua Ave. street signs. He said on more than one occasion, visitors have stopped him on the street asking where Chautauqua Ave. is. Mr. Card said there are only two Chautauqua Ave. street signs, and suggested the Village of Lakewood consider adding a couple more, especially one for the intersection of Summit St. and Chautauqua Ave.

Deputy Mayor McCague thanked Mr. Card for his comments and said it is something the Village of Lakewood will work on.

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RECESS

Motion by Trustee Schutte, seconded by Trustee Holcomb, to recess the regular meeting of the Board of Trustees at 7:10 PM so as to enter into executive session to discuss litigation.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

EXECUTIVE SESSION

Present at the executive session were Deputy Mayor Edward J. McCague, Trustee Randall G. Holcomb, Trustee Douglas L. Schutte, Village Attorney John I. LaMancuso and Village Clerk Joseph M. Johnson.
Motion by Trustee Holcomb, seconded by Trustee Schutte, to adjourn the executive session at 7:41 PM, and to reopen the regular meeting.

RESOLUTION #89-2019 – APPROVE LEGAL FEE ARRANGEMENT

Motion by Trustee Schutte, seconded by Trustee Holcomb, for the Village of Lakewood to enter into a retainer agreement with Attea & Attea, P.C., Attorneys at Law, Hamburg, N.Y., to provide legal representation in the zoning matter of the Village of Lakewood vs. Dr. & Mrs. Jonathan Blasius, 19 Owana Way and to authorize the Village Clerk to execute the fee arrangement. The fee arrangement calls for legal counsel to be billed at a rate of \$ 275.00/hr. plus any related expenses.
Adopted: 3 ayes, no nays (Holcomb, McCague, Schutte)

Motion by Trustee Schutte, seconded by Trustee Holcomb, and unanimously carried, the Board adjourned at 7:43 PM.

Joseph M. Johnson
Village Clerk