

MAY 21, 2018

A special meeting of the Board of Trustees of the Village of Lakewood was held Monday, May 21, 2018 in the Board Room of the Anthony C. Caprino Municipal Building, 20 West Summit St. with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, Randall G. Holcomb, Edward J. McCague and Douglas L. Schutte. Also present were Village Attorney John I. LaMancuso and Village Clerk Joseph M. Johnson.

Mayor Birrittieri asked Village Attorney LaMancuso to briefly explain why the Board of Trustees is conducting this morning's special meeting and what the order of business will be.

Mr. LaMancuso indicated that the Board of Trustees will be asked to determine via the State Environmental Quality Review (SEQR) to approve or disapprove an Involved Agency Findings Statement relative to the proposal to apply aquatic herbicides along the shores of the Village of Lakewood and the Town of Busti. He noted the process is somewhat different than the normal environmental review, in that instead of deciding the impact of proposed commercial development on the community, the Board of Trustees is being asked to review how aquatic herbicides could impact the community.

Although the Village of Lakewood didn't apply for the permit to apply aquatic herbicides, Mr. LaMancuso believes the Village of Lakewood is the only entity that could possibly approve the application of aquatic pesticides along its shorelines. Again, although the Town of Busti has applied for a permit to apply aquatic herbicides along the Village of Lakewood's shorelines, he doesn't believe it can be done without the Village of Lakewood's approval. Because the Town of Ellery is considered the Lead Agency in connection with this application, they completed the Final Supplemental Environmental Impact Statement (FSEIS). Early on in the process, he believes the Village of Lakewood did authorize the Town of Ellery to act as the Lead Agency relative to the planned aquatic herbicide treatment in certain targeted areas of Chautauqua Lake.

Mr. LaMancuso indicated that by law, any involved agencies, with the Village of Lakewood being one, are required to respond via an Involved Agency Findings Statement, in accordance with and pursuant to 6 NYCRR Part 617, pertaining to Article 8 of the Environmental Conservation Law, [State Environmental Quality review (SEQRA)]. He said although most would agree that a planned proposal to apply aquatic herbicides to certain areas of Chautauqua Lake could have significant adverse effects on the environment, or potential adverse effects on the environment, the regulations state the project could still move forward as long as the action avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating conditions to the decision those mitigated measures that are identified as practicable.

Mr. LaMancuso said not surprisingly, the Town of Busti's and the Village of Celoron's Findings Statements are nearly identical. These Findings Statements must be done in order for a project to continue and the folks promoting a specific project recognize that.

Mr. LaMancuso then asked Mayor Birrittieri and members of the Board of Trustees to take a look at each of the permit applications for Renovate 3 & Aquathol K and the map of the south basin of Chautauqua Lake. According to the map associated with the Macrophyte Study of 2017, there are a number of areas off Lakewood's shorelines where aquatic herbicides could be applied. Two areas excluded were locations where fish spawned which happen to be in the vicinity of Richard O. Hartley Park/Beach and the Chautauqua Lake Yacht Club. He said the NYS Department of Environmental Conservation takes into account those specific areas when they issued the initial permits.

Trustee Schutte said looking at the map, it appears that toward the westerly half of the Village of Lakewood shoreline, there isn't a high priority area until one is west of the town/village line. Towards the east end of the village, Trustee Schutte said there are two high priority treatment areas off the 200 & 300 blocks of East Terrace Ave., and in front of the community park/boat launch. He then asked what are the specific areas that have been selected for treatment.

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Trustee Barnes said she wonders how far do the aquatic herbicides move or travel after application.

Trustee McCague indicated he believes the method of applying aquatic herbicides begins along the shoreline and moves out into the targeted treatment areas of the lake.

Mayor Birrittieri indicated after hearing presentations and some limited research she hasn't received any conclusive findings on how the application of aquatic herbicides might impact the blue/green algae problem off Lakewood's shorelines and other parts of the lake. If aquatic herbicide application could make the blue/green algae problem worse, she would rather proceed very cautiously when it comes to decision time.

Trustee McCague indicated he has learned through his short association with the Chautauqua Lake & Watershed Management Alliance, that Governor Cuomo is sponsoring an initiative that is geared toward dealing with the Harmful Alga Blooms (HAB) problem throughout lakes across New York State.

Trustee Barnes said weeds too are a particular problem in Chautauqua Lake. Although some weeds provide habitats for fish, too many pose problems for boaters and others who utilize the lake for recreation. She made it clear she is not totally against use of aquatic herbicides, but it should be done selectively. If the weed issue is allowed to continue, over time assessments of properties along the lake will go down which will reduce the Village of Lakewood's tax base.

Trustee McCague indicated we are here this morning to protect the Village of Lakewood and what our course of action should be that is in the best interest of the Village and its residents.

Trustee Schutte indicated he has a problem with the Town of Busti assuming authority over the Board of Trustees' decision making. The Village of Lakewood should make a decision on what impacts our shorelines independent of the Town of Busti. Although there are a couple problem areas off Lakewood's shorelines, there are bigger weed problems plaguing areas near Burtis Bay and Ashville Bay.