

JUNE 10, 2019

The eleventh regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, June 10, 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, Village Attorney John I. LaMancuso, Fire Chief Steve Smouse, and Building Inspector Jeffrey A. Swanson. Absent was Department of Public Works Supervisor Thomas R. Pilling.

APPROVAL OF MINUTES

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

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

AUDIT OF CLAIMS

Motion by Trustee Holcomb, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated May 28, 2019 be approved and that the Clerk shall execute said abstracts (#55, #2 & #2) and direct payment by the Treasurer. Trust & Agency Fund: \$ 50,361.16 (Checks #4746 thru #4747), General Fund: (Old Fiscal Year) \$ 59,973.07 (Checks #15886 thru #15924), NOTE: Check #15903 voided. General Fund: (New Fiscal Year) \$ 73,903.33 (Checks #15925 thru #15940)

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

REPORTS

Deputy Mayor McCague indicated that the Village of Lakewood's 2019 aquatic herbicide application program has been completed and that water use restrictions have been lifted. Signs posted noting the water use restrictions will be taken down by the end of the week.

Deputy Mayor McCague also reported that the Village of Lakewood is seeking candidates for an alternate position on the Planning Board. Anyone interested, or if someone knows a person, who might be interested, should contact the Village Clerk's Office.

He also noted that the Lakewood Memorial Library is participating in the Give Big Chautauqua fundraiser where non-profit organizations seek on line donations from supporters. Mr. McCague said the fundraiser will take place Thursday, June 13th and is being hosted by the Chautauqua Region and Northern Chautauqua Community Foundations.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to four thousand one hundred ninety-nine incidents year to date, seven hundred sixty-six of which have occurred in the past four weeks. Chief Bentley also reported that some officers donated their time to assist the folks at Tim Hortons in raising funds during their Camp Day last week. He also noted that L-BPD officers on the Chautauqua Co. SWAT Team, assisted the Fredonia Police Department over the weekend.

Unfortunately, on his way home from the SWAT call, K-9 Officer Casselman's vehicle was struck by a deer just a couple hundred yards from his driveway. The estimated damage was set at over \$ 7,500.00.

Mr. William F. Chandler, 207 West Summit Street, asked Chief Bentley about the heavy truck traffic on West Summit Street that appear to be travelling in excess of the speed limit.

Chief Bentley indicated to Mr. Chandler that traffic along West Summit Street is monitored for speed and that he plans to schedule a commercial vehicle check point in the near future.

JUNE 10, 2019 (CONTINUED)

Mr. John Rowan, 86 East Terrace Ave., asked Chief Bentley if it is illegal for trucks from the Chautauqua Lake Association (CLA) to have uncovered loads and/or allow debris to fall from the trucks onto the roadway.

Chief Bentley indicated that because the weeds being hauled by the CLA are considered agricultural material, it doesn't need to be covered or secured in the truck, preventing it from falling out the back.

Fire Chief Steve Smouse reported that the Lakewood Volunteer Fire Department has answered four hundred thirty-eight alarms year-to-date, which includes the ninety-four alarms during the month of May.

Village Treasurer Andrea J. Windoft said she would like to read from a prepared statement this evening. Tonight will be my final Treasurer's report. As the Board of Trustees is aware, I have decided to retire from my position of Treasurer for the Village of Lakewood effective June 18th. I have been through three and a half administrations and have worked with many wonderful people, whom all have had the Village in their heart. I hope that continues, because we must always remember we are working for the people, the people of Lakewood, the taxpayers, the folks that have entrusted me to take care of their finances for the past twenty years.

I have been blessed with knowing so many people and I call all of them my friends. And believe it or not, many of these friends are as close as family to me. We laugh together, we've cried together and we are quite famous for gossiping together. And at the end of the day, we say goodbye to each other...see ya in the morning, That, I will miss. My husband retired from the Village two years ago and combining his time and my time, we have dedicated just over forty-nine years to this wonderful community.

So thank you for the friendship, thank you all for believing in Lakewood, and most of all, thank you for the memories.

Members of the Board of Trustees, fellow department heads and those in attendance all joined in in giving Mrs. Windoft a rousing standing ovation.

Deputy Mayor McCague said he and members of the Board of Trustees cannot say enough in appreciation for what Mrs. Windoft has done for the community these past twenty-two years. He added on behalf of the Board of Trustees and the entire community congratulations and told Mrs. Windoft to have fun in her retirement.

Mrs. Windoft said the Village of Lakewood has been good to us and it has been a fun place to work.

Trustee Barnes said members of the Board of Trustees will miss Treasurer Windoft and her hard work over the years was very much appreciated.

Village Clerk Joseph M. Johnson indicated he had no official report but did want to thank Mrs. Windoft publically for all her time and energy she brought to the position and that it has been a pleasure working with her over the many years.

Building Inspector Jeff Swanson began his report by saying he will miss Mrs. Windoft's delicious goodies that the outgoing Treasurer shared with fellow employees over the years. Mr. Swanson indicated that the Village of Lakewood has received the final plans for the new Taco Bell restaurant and he is hopeful a building permit can be issued within the next two weeks. Mr. Swanson also reported that he is also trying to keep up with ongoing property maintenance issues, including high grass complaints.

Mrs. Pam Fardink, 140 Franklin Street, said she and other property owners living on Franklin and Elizabeth Streets have concerns about the property at 119 Elizabeth Street. She said the grass at the address is knee high.

JUNE 10, 2019 (CONTINUED)

Building Inspector Swanson indicated he recently received a complaint about the property at 119 Elizabeth Street, which is considered what is called a “zombie property”. He said the house is now in the control of M & T Bank. Mr. Swanson said he contacted the maintenance company assigned to the property and went over what needed to be done to bring it into compliance. Mr. Swanson urged people to register a complaint with New York State Department of Financial Services via a phone call, which would greatly assist the local code enforcement officer.

Mr. Randy Sweeney, 123 Elizabeth Street, indicated the house has been vacant since May of 2018. Following the death of the property’s owner in April of 2018, to improve the outward appearance of the house, he went ahead and mowed the lawn at least ten times last year. After having a conversation with Deputy Mayor McCague, it was suggested to refrain from mowing the lawn any longer. Mr. Sweeney indicated from his experience he learned that if a “zombie property” can be seen from any number of neighboring properties, it can reduce the value of those properties by at least \$ 25,000.00. He said Elizabeth Street is a very nice street where folks take pride in their property’s appearance. Mr. Sweeney said that he will be happy to make sure his neighbors get the phone number and they will do what they can to assist.

Deputy Mayor McCague expressed his thanks to those who came in this evening to register their concerns. He suggested that they consider filing a complaint form along with photos, which can be done anonymously. It will be Mr. Swanson’s job to follow-up on any complaints that are received. Mr. McCague said the process however can be slow and difficult.

Mr. Swanson interjected saying, impacted residents making a phone call to New York State is the best way to handle this particular situation.

Mrs. Fardink asked, what do we do in the interim.

Mr. Swanson said unfortunately, zoning law enforcement takes time. He did tell Mrs. Fardink that he will be sending an e-mail to the maintenance company requesting them to remove the car in the driveway and mow the lawn.

Mrs. Phyllis Hamilton, 130 Franklin Street, said she noticed there is a woodchuck living on the property located behind her house and because she has dogs is concerned about fleas from next door when they are out walking them.

COMMITTEE REPORTS

Chautauqua County Legislator P.J. Wendel asked Mr. Swanson if he knew if the property at 119 Elizabeth Street, is listed on the most recent Chautauqua County Foreclosure List.

Mr. Swanson said to his knowledge, it isn’t.

Trustee Barnes asked Deputy Mayor McCague if he is aware of any plans to move forward with the Lowe Park Stream Daylighting/Sediment Capture Project.

Deputy Mayor McCague indicated that he is unaware of any particular plans regarding the Lowe Park project, however, representatives from the Chautauqua Lake & Watershed Management Alliance have recently talked to New York State representatives, but hasn’t been briefed on their conversation.

JUNE 10, 2019 (CONTINUED)

Deputy Mayor McCague indicated although it isn't directly related to the Lowe Park project, the New York State Department of Transportation did respond recently to a letter from the Village of Lakewood regarding the watershed in the vicinity of Spruce Street and the existing stormwater retention area adjacent to the railroad right-of-way. The NYS DOT granted the Village of Lakewood permission to clean-out the water retention area as necessary.

Trustee Barnes indicated a NYS Department of Environmental Conservation permit was issued to the Village of Lakewood allowing the DPW to dredge a certain area of the lake in front of the Brook Street stormwater drainage outfall last winter.

RESOLUTION #99-2019 – AUTHORIZE BOND ANTICIPATION NOTE RENEWAL

Motion by Trustee Barnes, seconded by Trustee Schutte, authorizing Village Treasurer Andrea J. Windoft and Village Attorney John I. LaMancuso to renew the Bond Anticipation Note for the 2016 Road Rescue Ambulance and 2016 International Dump Truck in the amount of \$ 104,540.00.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #100-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 2,375.00 from Account A-1990.40, [Contingent], to Account A-8020.40, [Planning], to pay Clinton Brown Company Architecture, PC, Buffalo, N.Y., for grant administration services pertaining to the New York Main Street Grant Program. The payment represents the third installment.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #101-2019 – ACKNOWLEDGEMENT OF ADDITIONAL LOCAL MATCHING FUNDS BY THE VILLAGE OF LAKEWOOD FOR THE CHAUT. AVE. GREEN STREET RETROFIT PROJECT

Motion by Trustee Schutte, seconded by Trustee Holcomb,
WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it but has been designated as an impaired water body, and its health and usability are threatened; and
WHEREAS, stormwater from the Village of Lakewood flows directly into Chautauqua Lake, or into streams that flow into Chautauqua Lake; and
WHEREAS, the Village of Lakewood, the County of Chautauqua, and the Chautauqua Lake & Watershed Management Alliance have partnered for the Chautauqua Avenue Green Street Retrofit Project (Project); and
WHEREAS, the Village of Lakewood, as the primary grant applicant, recipient, and imminent contract holder, was selected to receive up to \$695,000 for a New York State (NYS) Environmental Facilities Corporation (EFC) Green Innovation Grant Program (GIGP) Grant No. 1597 to construct the Project; and
WHEREAS, the estimated total Project cost is \$772,724 with up to \$695,000 funded by the NYS EFC and up to \$77,724 funded by local match in the form of cash and/or in-kind services; and
WHEREAS, the Village of Lakewood previously authorized and appropriated a minimum 10% local match for the Project, not to exceed \$77,724, in accordance with the requirements of the NYS EFC and GIGP via Village Resolution #47-2019; and
WHEREAS, the sources of this local match were originally proposed to be \$11,099 in cash from the County of Chautauqua and \$66,625 in in-kind services by the Village of Lakewood; and

JUNE 10, 2019 (CONTINUED)

WHEREAS, the Chautauqua Lake & Watershed Management Alliance has since committed \$20,000 in local match, in the form of cash as a replacement for the portion of the Village of Lakewood's originally proposed in-kind service related to the Operation and Maintenance of the Project, via Board of Directors motion and approval at its April 23, 2019 regular meeting of its Board of Directors, thus reducing the Village of Lakewood's obligation for in-kind services by \$20,000; and

WHEREAS, the NYS EFC, as a condition of establishing a Grant Agreement between the Village of Lakewood and NYS EFC, requires that the Village of Lakewood acknowledge these new match funds from the Chautauqua Lake & Watershed Management Alliance; therefore, be it

RESOLVED that the Village of Lakewood acknowledges the commitment of \$20,000 in cash match from the Chautauqua Lake & Watershed Management Alliance and intends to put the match toward the Village of Lakewood's overall local match commitment of no more than \$77,724 for the Chautauqua Avenue Green Street Retrofit Project.

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

RESOLUTION #102-2019 – APPOINT LIFEGUARD STAFF FOR 2019 BEACH SEASON

Motion by Trustee Barnes, seconded by Trustee Holcomb, to appoint Ms. Gabriella F. Hoose, 1867 Winch Road, Lakewood, N.Y., as Supervisory Lifeguard and Ms. Erin L. Vanderzyden, 2 Park Lane, Jamestown, N.Y., as Lifeguard for the 2019 Beach Season at Richard O. Hartley Park & Beach, per the recommendation of Village Clerk Joseph M. Johnson. Due to another increase in minimum wage, Ms. Hoose will be compensated at an hourly rate of \$ 11.40, while Ms. Vanderzyden will be compensated at an hourly rate of \$ 11.30.

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

RESOLUTION #103-2019 – DRAFT NEW LOCAL LAWS EXTENDING THE MORITORIA ON THE PERMITTING AND CONSTRUCTION OF SOLAR PANEL & WIND TURBINE FARMS

Motion by Trustee Holcomb, seconded by Trustee Barnes, authorizing Village Attorney John I. LaMancuso to draft new local laws extending the moratoria on the permitting and construction of solar panel & wind turbine farms within the Village of Lakewood.

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

RESOLUTION #104-2019 – AUTHORIZE PURCHASE OF NEW LIGHTING FIXTURES

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing DPW Supervisor Thomas R. Pilling to purchase new energy efficient lighting fixtures for the Anthony C. Caprino Building, replacing the existing fixtures, in accordance with New York State Energy Research & Development Authority (NYSERDA) specifications. Total cost of the new lighting fixtures is not to exceed \$5,000.00, which is subject to reimbursement per the terms of the NYSERDA Agreement.

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

ANYONE TO BE HEARD

Mr. John Rowan, 86 East Terrace Ave., indicated Lakewood's previous garbage contractor provided "single stream" recycling service, wherein residents were permitted to mix the various recyclable materials, which were then picked-up each week. Since last June, when the Village changed contractors, residents have had to sort and store each recyclable for a month before they are picked-up. Mr. Rowan indicated that the contractor is tossing everything, garbage and recyclables into the same hopper, and wondered if anyone from the Village is monitoring the terms of the contract.

JUNE 10, 2019 (CONTINUED)

He said not only is it a pain to have to store each recyclable for a month before they are collected, it is very discouraging to witness that both garbage and recyclables are being compacted in the truck together, after sorting and preparing them for recycling.

For a variety of reasons Mr. Rowan said the Village should think about providing recycling bins so residents can opt to manage their recyclables when they want to.

Mr. P.J. Wendel, 20 Hern Ave., indicated he has seen both garbage and recyclables, strewn along Rt. 394. He suggested that someone contact Mr. Beichner, of Beichner Waste Services, Inc., so the matter can be corrected.

Village Clerk Johnson indicated that he has, on more than one occasion, talked with the staff from Beichner Waste Services, Inc., and asked them to be more aware. He said when garbage and recyclables are loaded into the truck from the front bin, sometimes not all of it makes it into the truck. Some gets caught-up on the roof of the truck and ends up rolling off into the street when the truck accelerates or makes a turn.

Trustee Barnes said she spoke with Mr. Beichner about recycling and was told via "single stream" a lot of the material is contaminated and ends up in the landfill anyway. She said current markets for recyclables have dried up considerably.

Deputy Mayor McCague indicated sloppiness by the contractor should not be tolerated. He said a year or so ago there was some talk about providing recycling bins near the DPW garage, however the cost to do so was very expensive. Mr. McCague said although "single stream" recycling is very convenient, the service comes with a price. He noted the current three year garbage contract costs less per month than the previous three year contract with a different contractor. Recycling does rely on what the market is for a particular material.

Mr. Rowan bellowed, than why are we asked to save recyclables for a month if they aren't getting recycled. Residents need to know what is going on. It is apparent we are paying for a service that isn't being performed.

Trustee Barnes said the reasoning and cost to recycle materials has changed over the years and it will need to be revisited when the next garbage collection and recycling contract comes up for bid.

Village Attorney LaMancuso indicated he doesn't believe the contract specifies what the contractor must do with the recyclable materials once they are picked-up and understands the frustration when certain materials have been prepared by residents for recycling.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to recess the regular meeting at 7:27 PM, so as to enter into executive session to discuss a personnel matter.
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 G. Holcomb, Trustee Douglas L. Schutte, Village Attorney John I. LaMancuso and Joseph M. Johnson, Village Clerk. Motion by Trustee Barnes, seconded by Trustee Holcomb, to adjourn the executive session at 7:40 PM, and to reopen the regular meeting.

JUNE 10, 2019 (CONTINUED)

RESOLUTION #105-2019 – APPROVE RESPONSE LETTER

Motion by Trustee Schutte, seconded by Trustee Barnes, to approve a letter as drafted, in response to a letter received from Lakewood-Busti Police Department Sgt. Jeffrey G. Spencer, concerning employee benefits upon retirement, and to authorize Village Treasurer Andrea J. Windoft to execute the same.

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

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 7:42 PM.

Joseph M. Johnson
Village Clerk