

JUNE 11, 2018

The eleventh regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, June 11, 2018, 6:30 PM, 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 Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Steve Smouse and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Holcomb, seconded by Trustee McCague, to approve the minutes of the last regular meeting of the Board of Trustees, held May 29, 2018.

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 June 11, 2018, be approved and that the Clerk shall execute said abstracts (# 52, #1 & #2) and direct payment by the Treasurer. General Fund: [Previous Fiscal Year] \$43,595.89, (Checks #14828 thru #14857), Trust & Agency Fund: \$ 61,617.48, (Checks #4431 thru #4440), NOTE: Check #4430 was voided. General Fund: \$ 120,462.83, (Checks #14858 thru #14871)

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

REPORTS

Mayor Birrittieri indicated that there is a need for more volunteers for this year's 4th of July Summerfest as well as the five "Live on the Lake" events scheduled this summer. The funding of the "Kids' Zone" hinges on the number of volunteers that are willing to pitch-in on the 4th of July holiday.

Mayor Birrittieri also reported the expanded Farmers' & Artisans' Market will begin this Thursday, June 14th. She also indicated groups or individuals wishing to utilize any one of the Village of Lakewood Parks will be asked to complete a new Parks & Facilities Use Form.

Department of Public Works Supervisor Thomas R. Pilling reported that although it was decided to postpone work to mill and pave Chautauqua Ave., until next year, plans are in place to mill and repave Oak Street and Locust Street, south of West Fairmount Ave., (Rt. 394) and Winchester Road, north of West Fairmount Ave. to the railroad tracks this year.

Mr. Pilling said he received quotes to reseal and stripe the various courts at Veterans' Park, Linwood Ave. and Richard O. Hartley Park, however to do them all at any given time is very expensive. Mr. Pilling said he plans on pressure washing the basketball court at Veterans' Park and the pickleball courts in an effort to spruce them up for the summer.

Mr. Pilling also reported that the old pieces playground equipment at Veterans' Memorial Park were recently dismantled and removed and that the DPW crews will be removing some old playground equipment at Richard O. Hartley Park, beginning tomorrow.

Mayor Birrittieri indicated that folks may have an interest in some of the old playground equipment and proceeded to ask Mr. Pilling if the budget will allow the purchase of any new playground equipment for Veterans' Memorial Park. She then asked Mr. Pilling if he could get some prices on new playground equipment for the park, such as a slide and swing-set.

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Police Chief John R. Bentley reported that the Lakewood-Busti has handled four thousand five incidents year-to-date, three hundred twenty-two occurred since the last meeting. He also reported that the two new part-time officers are very close to completing their field training. Chief Bentley indicated that the department has been very busy and that the L-BPD along with law enforcement agencies across New York State recently took part in the Governor's Traffic Safety Enforcement Program.

Fire Chief Steve Smouse reported that the Lakewood Volunteer Fire Department responded to eighty-seven alarms during the month of May 2018, for a year-to-date total of three hundred eighty-one.

Chief Smouse also reported that Senator Catharine Young's office has introduced the LFD to a grant opportunity wherein, if they qualify, the twenty year old furnaces at the fire station could be replaced.

Trustee McCague wanted to make sure everyone received a hand-out on the New York State Firefighter Cancer Benefit Program, which becomes effective January 1, 2019.

Village Treasurer Andrea J. Windoft reported that during the first week of June the Village of Lakewood has received over \$ 270,000.00 in village tax revenue and that she is busy closing-out the previous fiscal year. Mrs. Windoft also wanted to make it clear that the Village of Lakewood cannot re-levy any charges on village tax bills other than delinquent water bills from the Jamestown Board of Public Utilities.

Building Inspector Jeff Swanson asked if anyone has heard anything in connection with the energy audits that were being conducted in association with the New York State Energy Research & Development Authority's (NYSERDA) grant program.

Mr. Swanson then indicated that he has been working with the Chautauqua County Land Bank to have three properties, namely 3 Gerald Ave., 156 East Terrace Ave. and 22 East Summit Street, pulled from the upcoming foreclosure sale. The goal will be to have the Chautauqua County Land Bank demolish all three residential structures, which will make for an immediate improvement for the surrounding neighborhood.

Building Inspector Swanson also reported that the 5 Star Urgent Care/Aspen Dental project is moving right along with a projected opening date of mid to late July and that he has received some information on the possible redevelopment of the former Bagel Company property at 347 East Fairmount Ave.

ANYONE TO BE HEARD

Mr. Ryan Thayer, proprietor of Craft Burgers & Brews, 60 Chautauqua Ave., appeared before Mayor Birrittieri and member of the Board of Trustees, and indicated that it has been brought to his attention that there have been some complaints about the music that is played on the outside deck of his restaurant on weekends. Mr. Thayer said it is his opinion the noise ordinance code is outdated and would like to see it amended making it more current with the times.

Mr. Thayer said he has worked very hard to have the new outside deck added onto the restaurant and has brought value to the community in doing so. He said the music on the weekends is what is considered "dinner music" and it is enjoyed by all ages. Mr. Thayer said the music never lasts past 10:00 PM, and believes the noise ordinance needs updating, in that the 50 ft. noise rule is unreasonable. Mr. Thayer said he realizes everything hasn't been perfect and understands amplified music can carry, however he is doing everything within his power to adhere to the music cut-off time of 10:00 PM. He said the musical groups that entertain on the deck are usually a duo or trio, and in some cases the music is amplified so it can be heard.

Trustee Barnes indicated she has stopped by the Chautauqua Ave. restaurant on music nights more than once and found that, to her, some of the music was too loud, while some was very acceptable from a loudness standpoint.

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Mr. Thomas Marlinski, 36 Ohio Ave., indicated he is one of the biggest complainers about the loud music and believes there is no reason to have the music amplified for customers sitting on the deck. Mr. Marlinski said he has made numerous improvements to his home over the past thirty-four years, but unfortunately most times when there is music on the deck, it is so loud he cannot have his windows open. Mr. Marlinski said some nights when the music ends, restaurant patrons will spill out into the street and continue to disturb his peace.

Mr. Thayer said he indeed cares about others and is doing everything he can to comply with the noise ordinance, so not to disturb any neighbors. All he is trying to do is make a decent living in running the restaurant while providing for his family.

Mayor Birrittieri indicated that the local zoning law allows music to be played up until 10:00 PM. Beyond that it boils down to enforcement of the 50 ft. distance, which becomes somewhat difficult. She then thanked Mr. Thayer and Mr. Marlinski for attending tonight's meeting and expressing their thoughts on this matter.

Mr. James Tilley, 257 East Terrace Ave., appeared before Mayor Birrittieri and members of the Board of Trustees, saying he has owned the property for the last twenty-two years as a second residence. He wanted to bring up the fact that there is a large gap in where sidewalks are located along East Terrace Ave., noting that two Trustees campaigned last fall to build more sidewalks. Mr. Tilley said he realizes the construction of new sidewalks can be a very expensive proposition. He then asked if anything has been initiated concerning the construction of new sidewalks in the village. Mr. Tilley suggested that the Village of Lakewood look into possible grants for the necessary funding.

Mayor Birrittieri suggested that she and members of the Board of Trustees initiate that idea or thought right now, knowing that there is a need for new sidewalks in different parts of the Village of Lakewood.

Trustee McCague thanked Mr. Tilley for his comments and wanted him to know he too would like more new sidewalks in different areas of the Village of Lakewood, however they are very expensive to build.

Changing subjects, Mr. Tilley indicated he is disappointed that Mayor Birrittieri and the Board of Trustees did not allow the Town of Busti/Chautauqua Lake Partnership to apply herbicides to those targeted areas of Lake Chautauqua that border the Village of Lakewood.

COMMITTEE REPORTS

Trustee Schutte wished to report on behalf of the Finance Committee, that during the new business portion of tonight's meeting, the concept of establishing a new Village Manager position will be discussed. It is something that the Finance Committee has been discussing for over a year now. There are now Managers in the Villages of Westfield and Fredonia. Mr. Schutte said his research indicates that in small cities, villages and towns across the country it is uncommon for clerks to be in those positions. The concept has arisen out of the fact that Mayors in smaller municipalities are part-time. He said the complexities of running a small city or village are compared to that of a CEO of a corporation. Trustee Schutte said these are some of the reasons the Finance Committee has looked at and recommended to establish the position.

Trustee McCague indicated before his committee report he would like to make a public service announcement to say there will be a discussion tomorrow evening at the Lakewood Memorial Library on "What are these Weeds", an in depth look at the invasive weed problem that has plagued Chautauqua Lake over the years.

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Trustee McCague then gave an update on the joint Lakewood/Busti Stormwater Management Engineering Study saying the project is nearing its completion.

Regarding the New York Main Street Grant program for Chautauqua Ave., Trustee McCague indicated that Ms. Eve Holberg, of LaBella Associates, Buffalo, N.Y., has reported the master plan for Chautauqua Ave. is 85% complete and is positioned to apply for the next phase of the program which is the Target Area Building Renovation Grant. Trustee McCague concluded his report by stating the next meeting between Chautauqua Ave. property owners and the consultant regarding the New York Main Street Grant has been scheduled for 10:00 AM, Monday, June 18th in the Board Room of the Anthony C. Caprino Municipal Building. The session will be open to the public.

DISCUSSION: PROPOSED NEW VILLAGE MANAGER POSITION

Mayor Birrittieri started the discussion by noting the Finance Committee after much research has recommended that the Village of Lakewood consider establishing a Village Manager position as a means to streamline the work currently done by the Mayor and Village Clerk. Mayor Birrittieri then asked Trustee Schutte, as Chairman of the Finance Committee, to briefly explain how the committee came to making this recommendation.

Trustee Schutte indicated that the main finding of the committee was that, across the country, about 60% of small cities and villages employ a manager versus a clerk. Plus, the idea for the new position has risen out of the fact that the Mayor is a part-time position. The new manager position will require full-time attention. The manager would be charged with running various committee meetings, overseeing the various departments and be in charge of all Village of Lakewood operations. It would be a hired position of an individual with a very specific skill set, training, background and experience. Trustee Schutte indicated creating the new position is a change in focus and the pursuit of additional expertise to run a community. In conclusion, Trustee Schutte said creating the manager position is becoming a trend and he would like to see the Village of Lakewood move in that direction.

Trustee McCague indicated when the idea to establish a new manager position first surfaced, the question arose, how do we position the Village's administrative structure to take the Village of Lakewood into the future and to ensure that the village is run efficiently. He said managing a small municipality is a big job and is getting bigger and more complicated each year. Our goal as Trustees is to ensure the survivability and sustainability of the Village of Lakewood. Trustee McCague said it boils down to becoming more efficient and minimizing the burden of responsibilities currently on the Mayor. Plus improve the accountability of each individual village department. Some neighboring communities have a manager position and he supports the recommendation of the Finance Committee to establish the position.

Trustee Barnes said there are a few things folks need to be aware of, the first being, by law a village must maintain the Village Clerk position as the keeper of records. Also, the accountability of each individual department should go to the Mayor with the Board of Trustees oversight. Trustee Barnes said she would favor an Administrator versus Manager, in that a Manager would make the Mayor a weak position. She then suggested that the Board of Trustees draft a job description/duties, list the necessary qualifications to go on record with the Chautauqua County Human Resources Department, because it would be a non-competitive position. Trustee Barnes said she has provided the Mayor and each member of the Board of Trustees with reference material on the matter for some guidance.

Trustee Holcomb indicated as a member of the Finance Committee he has done considerable research on this matter. Trustee Holcomb said he would be comfortable, as Trustee Barnes previously noted, with an Administrator versus Manager position, retaining the Mayor as the Village's CEO. Trustee Holcomb added, he personally doesn't have any issues with the current system, in that it has worked well for years and years, through many administrations.

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Mayor Birrittieri indicated that she has asked for Village Attorney LaMancuso to provide her and members of the Board of Trustees with some groundwork on the process of creating the new Administrator /Manager position. She said the position of Lakewood's Mayor is a huge job and it is nearly impossible to manage on a part-time basis. As a new Mayor she had a huge learning curve and was surprised by number of responsibilities and paperwork that went along with the job. Mayor Birrittieri said she has seen where a Manager position has worked very well in other municipalities. The position of Mayor would be a very difficult position to fill for someone working on a part-time basis. Mayor Birrittieri said she is doing the job to the best of her ability, without having another job other than managing her family. Since being elected, she said her number one job has been being the Mayor of the Village of Lakewood and has approached the job as a professional from day one. Mayor Birrittieri said she believes it is the right time to make this change and move forward in becoming more efficient.

Trustee McCague wanted to make it clear the Administrator or Manager will still have to answer to the Mayor and the Board of Trustees, saying the new position would merely alter how the Village is structured.

Mr. James Tilley, 257 East Terrace Ave., indicated he applauds Mayor Birrittieri and members of the Board of Trustees for taking a fresh look at the village's administrative structure.

Mr. Richard Fisher, 43 W. Fairmount Ave., asked what kind of pay range will this new position demand, knowing he or she will be overseeing all village departments.

Trustee Schutte said the pay scale should fall within the current payroll structure. The position would be far more surgical and targeted in that he or she would be appointed by the Mayor and Board of Trustees. At times individuals are elected into office without knowing his or her specific skill sets or talents.

Trustee McCague said while there are changes in elected officials over time, a dedicated employee working as the Administrator or Manager will be able to maintain the stability of the village.

Mr. Fisher indicated that Lakewood has been blessed with great employees and department heads who have a lot of experience.

Trustee Barnes said it is likely the position will require an MBA, which will drive up the pay scale. Because it would be a non-competitive position, a newly elected Mayor, with Board approval, would be empowered to replace the administrator or manager, and therefore any continuity or stability in place could be disrupted. As a member of the Personnel Committee, the creation of a new position should require input from members of that particular committee. Trustee Barnes said things that need to be discussed prior to creating any new position are pay scale, job requirements/duties, qualifications, etc., before adopting a new local law. She said having job descriptions and employee input on the matter would be important.

Village attorney LaMancuso indicated it will be up to the Mayor and the Board of Trustees to determine what powers and duties this new position will carry with it, before a local law could be drafted.

RESOLUTION #87-2018 – AUTHORIZE MONEY TRANSFER

Motion by Trustee Schutte, seconded by Trustee McCague, authorizing Village Treasurer Andrea J. Windoft to transfer monies from the Trust & Agency Account #T1093.15, [Farmers' Market], to Account #A8510.40, [Community Beautification], to pay for market related expenses, (i.e. signage, canopy, etc.). Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

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RESOLUTION #88-2018 – AUTHORIZE BOND ANTICIPATION NOTE RENEWAL

Motion by Trustee Barnes, seconded by Trustee McCague, 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 the 2016 International Dump Truck in the amount of \$ 156,810.00.

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

DISCUSSION: KAYAKS ALONG CHAUTAUQUA

Mayor Birrittieri indicated that Chautauqua County has reached out to municipalities bordering Lake Chautauqua invited them to participate in a Grant Application called “Kayaks along Chautauqua”. She asked for members of the Board of Trustees to review the sample resolution and get back to her. She indicated that the Village of Lakewood may want someone to come-in and speak on the subject.

DPW Supervisor Thomas R. Pilling suggested that the Community Park/Boat Launch on East Terrace Ave., would be a good location to launch kayaks, plus there is plenty of parking.

RESOLUTION #89-2018 – APPOINT LIFEGUARD STAFF FOR 2018 BEACH SEASON

Motion by Trustee Schutte, seconded by Trustee Barnes, per the recommendation of Village Clerk Joseph M. Johnson, to appoint the following individuals as lifeguards at Richard O. Hartley Park/Beach for 2018: Supervisory Lifeguard: Gabriella Hoose, Lakewood, N.Y., (\$ 10.75/hr.), and Lifeguards: Erin VanDerzyden, Jamestown, N.Y., (\$ 10.50/hr.), Megan Seeley, Lakewood, N.Y., (\$10.50/hr.) and Emily Ribicki, Jamestown, N.Y., (\$ 10.40/hr.).

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

RESOLUTION #90-2018 – SET PUBLIC BATHING BEACH HOURS - 2018

Motion by Trustee Holcomb, seconded by Trustee McCague, to set the following days and times when the public bathing beach at Richard O. Hartley Park/Beach will be open for swimming; Wednesday thru Sunday, noon – 5:00 PM. The public bathing beach will be open for the summer season from June 23rd thru August 26th.

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

Motion by Trustee Holcomb, seconded by Trustee Schutte, and unanimously carried, the Board adjourned at 7:52 PM.

Joseph M. Johnson
Village Clerk