

JUNE 24, 2019

The twelfth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, June 24, 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, Treasurer Assistant Apryl Troutman, Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling, and Building Inspector Jeffrey A. Swanson. Absent was Fire Chief Steve Smouse.

#### APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Holcomb, to approve the minutes of the last regular meeting of the Board of Trustees, held June 10, 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 June 24, 2019, be approved and that the Clerk shall execute said abstracts (#4 & #4) and direct payment by the Treasurer. Trust & Agency Fund: \$ 68,003.63 (Checks #4755 thru #4760), NOTE: Check #4759 was voided, re: ACH payment. General Fund: \$ 209,906.34 (Checks #15941 thru #15980) Checks #15947, #15957 & #15958 were voided, re: ACH payments.

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

#### REPORTS

Deputy Mayor McCague announced this year's Farmers' & Artisans' Market will be located in the parking lot of the former Wilson Farms store at the intersection of Summit Street and Chautauqua Ave. He noted it will be open Thursdays from 10:00 AM – 2:00 PM, and run from July 11<sup>th</sup> to September 26<sup>th</sup>. He added the market should be a nice improvement for the Village of Lakewood.

Deputy Mayor McCague also was pleased to report that the Chautauqua Lake Community Sailing Foundation (CLCSF) has agreed to again provide free sailboat rides on the 4<sup>th</sup> of July, from noon to 3:00 PM.

He then noted the Lakewood Community Development Corporation (LCDC) has sent out requests for monetary donations in support this year's 4<sup>th</sup> of July Summerfest. The LCDC is happy to provide this service to the Village of Lakewood. Last year 100% of the funds collected were donated back to the Village, to offset the overall costs of this community event. Deputy Mayor McCague wanted to publically thank Ms. Mary Seger, Secretary for the LCDC, for her efforts in getting the letter printed and mailed to the residents. He asked everyone to please consider making a donation towards the 4<sup>th</sup> of July Summerfest.

Department of Public Works Supervisor Thomas R. Pilling was pleased to report that Extreme Winter Weather funding was again included in the latest NYS Budget, which could result in an extra \$ 20,000.00 in the annual CHIPS funding for 2019. He also reported that following last Thursday's major rain event, it was discovered that the large cross pipe under Erie Street sustained damage and might have to be replaced.

Mr. Pilling also reported that the DPW crew will be starting a stormwater drainage pipe project along the west side of Shadyside Ave., south of Rt. 394, in preparation of resurfacing that section of roadway. In addition to Shadyside Ave., a number of other roads will be prepped for surface treatment.

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In conclusion, Mr. Pilling said members of the Board of Trustees should have received an e-mail last week regarding the impact of Thursday's rain event.

Ms. Barbara Evanczik, 22 Hern Ave., said one major rain storm after another back in 2016, caused her to lose everything she had in her basement. She proceeded to have a sump pump installed, however, following a moderate rain, she has to hook-up a utility pump in the back yard. Mrs. Evanczik said last Thursday, the rain water came down Elizabeth Street, across Rt. 394, and down Hern Ave. Firstly, she wondered if the DPW crew could check to make sure the catch basins and sluice pipes aren't blocked. Secondly, Ms. Evanczik asked if it would be possible to install a new sluice pipe in front of her house to help alleviate the amount of stormwater that reaches her basement.

Mr. Pilling said he would be glad to take a look at the situation for her.

Mrs. Karen Scholeno, 225 Spruce Street, indicated she has lived on Spruce Street for forty-two years, and for forty-two years the ditch on the south side of Mapleview Ave has overflowed following a rain storm. She said last Thursday's rain storm caused a lot of damage to Spruce Street, and that the fill around the recently installed catch-basin, near her driveway, was washed away.

Mr. Pilling agreed with Mrs. Scholeno, that a lot of gravel did get washed down from above during last week's rain event and that the DPW crew will return and build-up the area around the top of the catch-basin with macadam.

Mrs. Scholeno also asked if the ditch on Mapleview Ave. could get cleaned-out, because there is a tremendous amount of water that cascades down from the property at 29 Mapleview Ave.

Deputy Mayor McCague indicated last Thursday a lot of rain fell in a very short period of time, and there was flooding throughout the Village. He asked residents to be patient as the DPW crew addresses problems caused by last week's rain storm.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to four thousand five hundred sixty-three incidents year to date, three hundred seventy-eight of which occurred the past two weeks.

Chief Bentley indicated that the concern about motorists speeding along West Summit Street was addressed by recently conducting a traffic study. Of the over three hundred fifty motorists included in the study only two speeding tickets were issued and it was found that the average speed just 33 mph.

Chief Bentley asked Deputy Mayor McCague and members of the Board of Trustees if he could have a few minutes of their time in executive session this evening to discuss a couple of personnel matters. Thank you.

Ms. Carol Jones, 144 West Summit Street, said this year and last, she has noticed more heavy trucks are travelling on West Summit Street than in previous years and wondered if the street was built to withstand the heavy construction truck traffic.

Chief Bentley said because West Summit St. is a County Highway, it is unlikely that the Village of Lakewood would have any say in limiting the type of vehicles allowed to travel it.

It was noted that dump trucks loaded with asphalt from Jamestown Macadam travel to work sites west via Summit Street.

Deputy Mayor McCague said due to the high traffic volume on Rt. 394 during the summer months, some motorists opt to travel Summit Street to avoid the congestion and traffic lights.

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Chief Bentley said the L-BPD will do their best to enforce vehicle and traffic laws on Summit Street as well as throughout its jurisdiction.

Village Treasurer Assistant Apryl Troutman reported the Village of Lakewood has collected 54% of this year's taxes, with 41% coming through the office and 13% through the M & T "Lock Box". Also, the Village of Lakewood has received a \$ 15,000.00 gift from the Chautauqua Lake Partnership (CLP), that will be used to pay expenses associated with the application of aquatic herbicides off/from Lakewood shorelines.

Building Inspector Jeff Swanson reported that he expects construction on the new Taco Bell restaurant to begin sometime early in July. Mr. Swanson said he is continuing to work on property maintenance issues and was happy to report the high grass around 119 Elizabeth Street was recently mowed.

He also reported that the two demolition projects for the properties at 22 East Summit Street and 156 East Terrace Ave. have gone out to bid, and believes asbestos abatement measures will need to be undertaken on both demolition projects.

#### COMMITTEE REPORTS

Trustee Ellen Barnes wished to thank members of the Department of Public Works, Lakewood-Busti Police Department and Lakewood Fire Department for their work during and following the two major rain events that occurred during the month of June.

Trustee Barnes said with residents concerned about stormwater management she went out last Thursday morning during the rain storm to get a firsthand view of the flooding. Since living and working here in Lakewood, Ms. Barnes said the flooding she witnessed was the worst she had ever seen. Roads were turned into rivers. Stormwater at the railroad overpass on Rt. 394 was up to the door of her Jeep Grand Cherokee. She said businesses in the Save-a-Lot plaza on West Fairmount Ave., sustained damage caused by water coming off the hill behind it.

She said water was rushing down Shadyside Ave. and turning east on Rt. 394, causing flooding between Southland and Maplecrest Avenues. Surprisingly, the creek running south along Hillcrest Ave, which used to flood all the time, didn't this time because work by the NYS DOT to improve the culvert under Rt. 394 has pretty much corrected that problem.

Although Rt. 394 is a New York State highway the Village of Lakewood D.P.W. was on site clearing the roadway of mud and debris.

Trustee Barnes said she then checked Mall Blvd for flooding and saw that water was rushing through parking lots on the west side and coming over the road. From her observations it was obvious the problems originate higher-up within the watershed. Stormwater management measures need to be undertaken up there to reduce the flooding that takes place downstream.

Trustee Barnes said she was happy to report the work done on Crescent Creek worked like a charm.

The point Trustee Barnes wanted to make was that \$ 750,000.00 is expected to be spent on Chautauqua Ave. Green Street Retrofit (Beautification) Project, when it needs to be spent on projects that actually help to mitigate the problems higher-up in the watershed. She said, had the Lowe Park Daylighting/Sediment Capture project been in place, part of it would have probably been washed away.

Trustee Barnes said any plans to revisit this project should be stopped. Instead, the lake agencies and engineers should look more closely at problems upstream, higher-up in the watershed.

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RESOLUTION #106-2019 – SET DATE & TIMES FOR PUBLIC HEARINGS ON MORATORIUMS

Motion by Trustee Schutte, seconded by Trustee Barnes, to set 6:40 PM, Monday, July 22, 2019, as the date and time to conduct a public hearing on proposed Local Law #2-2019, to extend the Moratorium on the Permitting and Construction of Wind Turbines & Related Buildings, Facilities & Systems, and to set 6:45 PM, Monday, July 22, 2019, as the date and time to conduct a public hearing on proposed Local Law #3-2019, to extend the Moratorium on the Permitting and Construction of Solar Panel Farms & Related Buildings, Facilities & Systems.

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

RESOLUTION #107-2019 – APPROVE AMENDMENT TO SERVICE CONTRACT

Motion by Trustee Barnes, seconded by Trustee Schutte, for the Board of Trustees to approve an amendment to the service contract between the Village of Lakewood and Clinton Brown Co. Architecture, pc, Buffalo, N.Y., that includes Design Guidelines for those projects covered under the New York State Main Street Grant, which increases the contract amount by \$ 1,781.00, (\$ 23,750.00 to \$ 25,536.00) and to authorize Deputy Mayor McCague to execute the contract amendment letter.

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

RESOLUTION #108-2019 – APPROVE 2019 DOCK PERMIT APPLICATION

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the 2019 Dock Permit Application As submitted by Ms. Sherri Grask, 159 East Terrace Ave., for the Glenwood Ave. right-of-way. NOTE: Mr. Jeff Weemhoff, 159 East Terrace Ave., whose dock permit application was approved earlier this year, is in the process of selling his house.

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

RESOLUTION #109-2019 – ACCEPT OUTDOOR MUSIC PERMIT APPLICATIONS

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to accept the Outdoor Music Permit Applications as submitted by the Lakewood Rod & Gun Club, 433 East Terrace Ave., and Group Ther-Happy, 103 Chautauqua Ave.

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

RESOLUTION #110-2019 – APPOINT MRS. APRYL TROUTMAN AS VILLAGE TREASURER

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to appoint Mrs. Apryl Troutman, 8 Winding Way, as Village Treasurer for the Village of Lakewood effective, June 25, 2019, and to complete the term of office of former Village Treasurer Andrea J. Windoft, who retired as of June 19, 2019.

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

RESOLUTION #111-2019 – NAME & DEDICATE THE LAKEWOOD DOG PARK

Motion by Trustee Schutte, seconded by Trustee Barnes, to officially name & dedicate the Village of Lakewood Dog Park, located on East Terrace Ave., as the Andrea J. Windoft Bark Park. Mrs. Windoft was very instrumental in proposing and designing the Lakewood Dog Park, and to authorize the Village Clerk to seek a quote for a new "Bark Park" sign.

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

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ANYONE TO BE HEARD

Mrs. Carol Jones, 144 West Summit Street, indicated that she and her neighbors were unaware of Lakewood's Garage & Yard Sale Days on June 7<sup>th</sup> & 8<sup>th</sup> and wondered if any advertising was done. She said the Village of Lakewood might want to find out how Frewsburg advertised their Garage & Yard Sale Days, which happened to held on the same days.

Mr. Tom Marlinski, 36 Oho Ave., wanted to know when outdoor music will be allowed on the 4<sup>th</sup> of July? He also wanted members of the Board of Trustees to know that at times when music is played inside at Group Ther-Happy, and the garage door is open, it can be heard until 11:00 – 11:30 PM, long after it is supposed to be allowed.

Deputy Mayor McCague indicated establishments that provide music must adhere to the stated times when music is allowed as set forth in the Village of Lakewood's Local Law regulating noise.

Town of Busti Supervisor Jesse Robbins appeared before Deputy Mayor McCague and the Board of Trustees to let them know that he and members of the Busti Town Board are agreeable to pay 100% of the costs for a Certified Court Officer to attend Town Court proceedings.

Deputy Mayor McCague thanked Supervisor Robbins for his comments on the subject, which is expected to be discussed this evening in executive session.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Schutte, to recess the regular meeting at 7:10 PM, so as to discuss personnel matters.

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, Police Chief John R. Bentley and Village Clerk Joseph M. Johnson. Motion by Trustee Schutte, seconded by Trustee Holcomb, to adjourn the executive session at 7:54 PM, and to reopen the regular meeting.

RESOLUTION #112-2019 – DRAFT ADDENDUM TO THE POLICE SERVICES AGREEMENT

Motion by Trustee Barnes, seconded by Trustee Schutte, authorizing Village Attorney John I. LaMancuso to draft an addendum to the current Police Services Agreement between the Village of Lakewood and the Town of Busti, stating the Town of Busti is agreeable to incurring the cost of having a Certified Court Officer, provided by the Lakewood-Busti Police Department, present during Town Court proceedings.

NOTE: The current agreement runs through December 31, 2023.

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

Motion y Trustee Schutte, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 7:58 PM.

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Joseph M. Johnson  
Village Clerk

