

JULY 9, 2018

The thirteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, July 9, 2018, 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, Department of Public Works Supervisor Thomas R. Pilling and Building Inspector Jeffrey A. Swanson. Absent were Mayor Cara Birrittieri, Village Attorney John I. LaMancuso and Fire Chief Steve Smouse.

TABLE APPROVAL OF MINUTES

Deputy Mayor McCague indicated there were a couple of comments made at the previous meeting of the Board of Trustees held, June 25, 2018 that were not included in the minutes and he has asked the Village Clerk to research the audio tape. Deputy Mayor McCague said mention of the specific agencies in his committee report on the Joint Lakewood-Busti Stormwater Engineering Study as well as a comment by from Trustee Joe Troche were omitted. Motion by Trustee Barnes, seconded by Trustee Schutte, per the recommendation of Deputy Mayor McCague to table the approval of the minutes of the last regular meeting of the Board of Trustees, held June 25, 2018, until some additional research can be done by the Village Clerk.

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

AUDIT OF CLAIMS

Motion by Trustee Holcomb, seconded by Trustee Schutte, that the claims as audited by the Auditing Committee of the abstracts dated June 25, 2018, be approved and that the Clerk shall execute said abstracts (#5 & #6) and direct payment by the Treasurer. Trust & Agency Fund: \$ 64,164.05, (Checks #4461 thru #4468), General Fund: \$ 76,031.69 (Checks #14912 thru #14954)

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

REPORTS

Deputy Mayor McCague indicated that he would like to read a prepared statement about the discussion held at the previous meeting of the Board of Trustees, June 25, 2018, concerning the Village Manager position.

At the June 25th meeting of the Board of Trustees, I listened to considerable comment regarding a proposal made by the Mayor's Finance Committee to the Board suggesting that we begin discussions about succession planning and consider the eventual structure and function of our village management.

What I heard was a lot of misinformation, disinformation, misunderstanding, spin and alt-fact. So to be clear on the matter:

- Under the Finance Committee's plan, no village administrative employees lose their jobs;
- In fact, two current employees would receive a promotion under our proposal;
- Under our plan, no additional job is being created and no additional personnel are to be hired;
- In no way would a structural adjustment change or in any way abrogate the authority of our elected officials;
- Under our plan, there is zero impact on the present budget. In fact the Finance Committee envisions long-term cost savings;
- There is no need to raise taxes solely because we re-structure or re-define our management function;
- The position is not an elected position;

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- Numerous towns and villages in NYS have restructured the management of their communities in similar ways and those who the committee has spoken to, report that it's been a very successful adjustment;
- And, although our mayor was aware of the Finance Committee's agenda, she did not take part in any of these conversations.

I want to be crystal clear on one further matter, the Mayor and Finance Committee members highly respect and appreciate the incredible job our village administrative staff and department heads do each day on behalf of our community. They serve this village with honor and distinction, and on that, there is no question.

This trustee is undeterred by rumor and innuendo. In fact, I am resolved, more than ever, to continue to ask questions, to continue to re-evaluate, to continue to seek new well-reasoned ways to create efficiencies and thereby ensure the long-term sustainability of the Village of Lakewood.

Thank You.

Trustee/Deputy Mayor Edward J. McCague.

Department of Public Works Supervisor Thomas R. Pilling reported that the DPW has completed the Locust Street paving project and have a little more work to do on Oak Street. Mr. Pilling also reported that, weather permitting, the basketball court at Veterans' Memorial Park will be color sealed later this week.

On behalf of the Mayor and the Board of Trustees, Deputy Mayor McCague thanked Mr. Pilling and the entire DPW crew for all the extra work they did in preparation for, and clean-up after, this year's 4th of July Summerfest.

Mr. Thomas Marlinski, 36 Ohio Ave., asked Mr. Pilling, how much did it cost the Village of Lakewood for the DPW to set-up for and clean-up after the 4th of July Summerfest.

Mr. Pilling said approximately fifty man-hours.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled four thousand seven hundred five incidents year-to-date, three hundred ninety-five of which have occurred during the past two weeks. He also reported that, all in all, the 4th of July Summerfest went very well.

Mrs. Carol Jones, 144 West Summit Street, asked Chief Bentley, now that New York State has relaxed its rules and regulations, when it comes to use of certain fireworks, she believes the use of illegal fireworks needs to be enforced. She noted that her neighbors set-off fireworks over their house and she became nervous about the debris landing on their house and starting a fire.

Chief Bentley indicated it becomes a manpower issue on the 4th of July holiday, however if the L-BPD receives a signed complaint regarding the use of illegal fireworks, the violator will be arrested.

Ms. Susan Lane, 188 East Terrace Ave., said she too, had illegal fireworks being shot-off in her neighborhood on the 4th of July. Although she called the local police department, no one showed-up.

Chief Bentley said although he doesn't have an answer for Ms. Lane as to why no one showed-up, he said if that situation reoccurs, to just keep calling.

Village Clerk Johnson reported that the Chautauqua County Health Department informed the Village of Lakewood earlier in the day that Harmful Algal Blooms (HABS) have been spotted in the south basin of Chautauqua Lake and the Lakewood Beach will be closed to swimming until further notice.

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Building Inspector Jeff Swanson reported that the 5 Star Urgent Care/Aspen Dental project is moving right along and looking good. He noted the two businesses are expected to open sometime in August. Mr. Swanson said he has been busy with numerous on-going construction projects and property maintenance concerns.

COMMITTEE REPORTS

Trustee Holcomb said he is very pleased to see the Agreement between the Village of Lakewood and the New York State Energy Research & Development Authority (NYSERDA) is on tonight's agenda, allowing the Clean Energy Communities (CEC) Program to move forward.

Trustee Holcomb then took the opportunity to thank Deputy Mayor McCague for his statement on the Village Manager position and appreciates his thoughts on the matter. Trustee Holcomb indicated what he stated last week, had no reflection on the research that has been done on the Village Manager position and stands firm on what he said at that time. He still believes the current set-up with the three employees is efficient and equitable for a village the size of Lakewood.

Deputy Mayor McCague reported that he forwarded a draft copy of the Master Plan for Chautauqua Ave., as developed and prepared, by LaBella Associates, Buffalo, New York, to members of the Board of Trustees and encouraged them to read through it.

RESOLUTION #98-2018 – APPROVE NYSERDA AGREEMENT

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to approve the proposed Agreement between the Village of Lakewood and the New York State Energy Research & Development Authority (NYSERDA) in connection with the Clean Energy Communities (CEC) Program and to authorize Mayor Birrittieri to execute the same. This program includes the change-out of three hundred ninety-six street lighting fixtures with LED fixtures, plus implement clean energy/energy efficient technologies in the buildings at 20 West Summit Street, 2 Packard Ave., and 6 Packard Ave.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #99-2018 – TABLE ACTION ON SETTING TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Schutte, to table any action to set a time and date for a public hearing in connection with a Site Plan Review application, as submitted by Olympus Brokerage Co., Ltd., Camillus, N.Y., in connection with a proposal to redevelop the former Bagel Company property at 347 East Fairmount Ave., as a Metro Mattress location, until additional information is received by Building Inspector Swanson.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #100-2018 – APPROVE TRANSFER OF LANDFILL CREDITS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the transfer of the Village of Lakewood's landfill credits to the Chautauqua County Land Bank, in connection with the planned demolition of the residential structures at 3 Gerald Ave., 156 East Terrace Ave. and 22 East Summit Street. NOTE: Building Inspector Swanson recommended that due to the deplorable condition and its location, the residential structure at 22 East Summit Street should be the first of the three to be razed.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

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ANYONE TO BE HEARD

Mr. Michael Looker, 15 Owana Way #7, asked Deputy Mayor McCague if he could provide the latest update on the change-over to Village of Lakewood's new web site. Mr. Looker said he wasn't able to locate the minutes of the last meeting or the agenda for tonight's meeting on the new web site.

Deputy Mayor McCague indicated to Mr. Looker that the new web site isn't perfect yet as it continues to be updated with the information people wish to see. He said it is going to take some time to enter the necessary data and new information.

Village Treasurer Andrea J. Windoft indicated late this afternoon Deputy Village Clerk Mary Currie did post the minutes from the last meeting and tonight's agenda to the new web site.

Deputy Mayor McCague proceeded to "pull-up" the minutes from June 25, 2018 and tonight's agenda on his "smart phone", showing Mr. Looker, in fact that they indeed were posted on the web site.

Mr. Looker then indicated he has a few comments to make about Richard O. Hartley Park/Beach. He said at one time the park was the main focal point in the Village of Lakewood. He said when his wife grew up in Lakewood the beach and park was actually crowded with beach goers. Today very few utilize the beach, which is a shame. He said it appears the Village of Lakewood is wasting a crucial resource. Mr. Looker said the Village of Lakewood should look at improving access to its bathing beach and shoreline. One way to accomplish this would be to re-establish Lake Street through the park and add some parking spots. Mr. Looker wanted to note that the two steps leading into the water at the bathing beach become covered with lake slime and pose a very dangerous condition from a liability standpoint for the Village of Lakewood.

Mr. Looker said a couple other things that could improve the beach experience would be to remove the existing chain link fence and drop the user fees. He said the dock should also be put back in the water and the Village of Lakewood should do a better job promoting the beach and park. He said, right now the park and beach are underutilized.

Deputy Mayor McCague thanked Mr. Looker for his comments and said he would gladly pass them on to the newly formed Parks & Recreation Committee which will have its initial meeting tomorrow evening.

Mr. Greg Carr, 2 Crystal Ave., appeared before Deputy Mayor McCague and members of the Board of Trustees to express his concerns about the lake weeds in front of his residence. He said the weeds are so thick and smell so bad, the situation has become ridiculous. Mr. Carr said the weeds has made boating very difficult and when the Chautauqua Lake Association cuts the weeds they aren't totally cleaned-up. Mr. Carr said he would have liked to have been able to speak directly to Mayor Birrittieri about this problem. He would like to invite her down to his house so she may get a firsthand look at this problem.

Deputy Mayor McCague indicated to Mr. Carr he would get a message to Mayor Birrittieri about his concerns and provide her with his phone number.

Trustee Schutte indicated he took his boat out over the weekend and noticed the weed problem worsens as one gets closer to Burtis Bay. Mr. Schutte said it would be interesting to see if some of the areas in front of Crystal Ave. are indeed part of the fish hatcheries that were protected from any planned herbicide application.

Mr. Looker said the Village of Lakewood might wish to consider the area adjacent to their public boating dock at Richard O. Hartley Park as a launch point in connection with the "Kayaks along Chautauqua" program.

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Deputy Mayor McCague said the problem he sees with that location is accessibility for the kayakers.

Mr. William F. Chandler, 207 West Summit Street, said he pays someone to mow his lawn. If the contractor doesn't mow the lawn he or she doesn't get paid. The Board of Trustees has previously discussed how much money should be given to the various lake organizations, whether it be the Chautauqua Lake Association, the Chautauqua Lake Partnership, the Chautauqua Watershed Conservancy or the Chautauqua Lake & Watershed Management Alliance. Mr. Chandler said if the Chautauqua Lake Association doesn't "mow" the weeds allowing folks to enjoy the lake, then they shouldn't get paid.

Deputy Mayor McCague said Mr. Chandler makes a good point. He said before the Village of Lakewood makes its annual contribution to the Chautauqua Lake Association, maybe Mayor Birrittieri should speak to them and get an idea what their plans are regarding the "harvesting" of weeds along Lakewood's shorelines.

Trustee Schutte reminded everyone that officials from the Chautauqua Lake Association stated they would not be "harvesting" weeds in areas that were treated with herbicides, acknowledging the fact that herbicides were not applied in the targeted areas along Lakewood's shorelines.

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried the Board adjourned at 7:17 PM.

Joseph M. Johnson
Village Clerk