

AUGUST 10, 2020

The fifteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, August 10, 2020, 6:30 pm, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes, R. Richard Fischer and Douglas L. Schutte. Trustee Edward J. McCague, DPW Supervisor Thomas R. Pilling and Fire Chief Kurt Hallberg participated through Zoom.us. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Deputy Clerk/Treasurer Jackie Hyser, Village Attorney John I. LaMancuso and Building Inspector Jeffrey A. Swanson. Absent was Police Chief John R. Bentley.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee McCague, to approve the minutes of the last regular meeting of the Board of Trustees held July 27, 2020.

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

AUDIT OF CLAIMS

Motion by Trustee Fischer, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated August 10, 2020, be approved and that the Clerk shall execute said abstracts (#11 & #11) and direct payment by the Treasurer. Trust & Agency Fund: \$ 55,308.13, (Checks #5094 and #5098), General Fund: \$ 56,194.15, (Checks #17049 through #17087), voided check #17068 for M&T Bank ACH.

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

REPORTS

Mayor Randall Holcomb began his report by saying the Live on the Lake summer concert series will be extended by a week this summer. He said the band, "The Probables" will be playing on August 20th from 7-9 PM and went on to thank Mr. John Streed, booking agent for Blue Moon Management, for all the work he has done putting this show together.

Mayor Holcomb also thanked the Lakewood Volunteer Fire Department for leading off a parade as a birthday celebration for a longtime village resident, Karen Cotton, who has been fighting an illness. He indicated Ms. Cotton sat in a lawn chair in her front yard on Bentley Ave., and greeted nearly eighty vehicles as they passed by.

Department of Public Works Supervisor Thomas R. Pilling reported that Mapleview Ave. & Winchester Rd., from W. Fairmount Ave. to the bridge, are scheduled to be re-paved. He also noted that certain sections of sidewalk along Ohio Ave. will be replaced. Both the street paving and sidewalk replacement projects are expected to be completed by the end of August.

Supervisor Pilling said his tree and vehicle maintenance budget will be struggling this year, he will more than likely be having to transfer money from his contractual fund in order to even them out.

Mr. Pilling also reported that he is awaiting the delivery of the new excavator for the DPW.

Police Chief John R. Bentley submitted the Lakewood-Busti Police Department's Incident Analysis Report saying they had four hundred three incidents for the period of July 27, 2020 to August 10, 2020.

Chief Bentley said he is expecting delivery of the new police patrol vehicle either later this week or early next week and he is still waiting for delivery of the body and car cameras that also have been ordered.

Fire Chief Kurt Hallberg submitted his report for the Lakewood Fire Department stating there has been five hundred sixteen alarms year to date with twenty-three so far in the month of August.

Chief Hallberg said the Lakewood Fire Department will be loaning the departments' back-up ambulance (A-372) to the Fluvanna Fire District for approximately 16 days while they are waiting for parts to repair their ambulance. He said the Fluvanna Fire District has agreed to use their own stretcher, heart monitor, equipment and drugs. Chief Hallberg said the Fluvanna Fire District has signed an agreement stating they are responsible for the ambulance and anything that may happen to it during the period of time they will be using it.

AUGUST 10, 2020 (continued)

Chief Hallberg said he has been in contact with the Chautauqua County Fire Coordinator and the NYS Department of Health to find out the legal requirements for doing this under a mutual aid agreement.

Village Treasurer Apryl L. Troutman reported that the Annual Financial Report (AUD) for fiscal year ending May 31, 2020 has been filed and copies have been distributed.

Ms. Troutman also said she has received a grant reimbursement payment from New York State for the Chautauqua Ave. Green Street project and that funds from which will be reimbursed to Chautauqua County, for the loan the County provided to the Village of Lakewood at zero interest.

Treasurer Troutman updated the Board of Trustees on the Chautauqua County sales tax distribution for the 3rd quarter saying it is approximately \$26,000 less than last year at this time. She has also received an e-mail from Chautauqua County saying they have received their August payment from the state and it is 12 percent less than it has been in prior years.

Building Inspector Jeffrey Swanson reported he is beginning to see construction in the area picking up.

RECESS

Motion by Trustee Schutte, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.

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

PUBLIC HEARING: 6:45 PM
SPECIAL USE PERMIT APPLICATION
SERVING OF ALCOHOLIC BEVERAGES
LUXE SPA
279 EAST FAIRMOUNT AVE.

Mayor Holcomb opened the public hearing at 6:45 PM, on the request for a special use permit by Mr. Jimmy La, owner of Luxe Spa, to be able to serve alcoholic beverages to clients at his place of business at 279 E. Fairmount Ave. Mayor Holcomb asked if there was anyone who had any questions or comments about this request.

With no one to be heard, Mayor Holcomb closed the public hearing at 6:47 PM, and proceeded to re-open the regular meeting.

RESOLUTION #123-2020 – APPROVE/GRANT SPECIAL USE PERMIT APPLICATION

Motion by Trustee Barnes, seconded by Trustee McCague, for the Board of Trustees to approve/grant the Special Use Permit application, as submitted by Mr. Jimmy La, Lakewood, N.Y., whereby he will be permitted to serve alcoholic beverages, (beer, wine, cider), to clients 21 years of age or older at Luxe Spa, 279 East Fairmount Ave., upon being issued an appropriate Liquor License from the New York State Liquor Authority.

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

RESOLUTION #124-2020 – ADOPT NEGATIVE DECLARATION AND LEAD AGENCY

Motion by Trustee Barnes, seconded by Trustee Fischer, to designate the Village of Lakewood as the Lead Agency and approve making a Negative Declaration under the State Environmental Quality Review Act, (SEQRA), permitting Jimmy La, Luxe Spa, 279 E. Fairmount Ave., to serve alcoholic beverages to clients 21 years of age or older which will not have any significant adverse effect on the environment.

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

AUGUST 10, 2020 (continued)

REPORTS (continued)

Trustee Ted McCague said in response to the request the Chautauqua Lake and Watershed Management Alliance put out for applications designed to encourage members to come up with projects for grant funding consideration he and John Jablonski, Executive Director of the Chautauqua Watershed Conservancy, got together to take a look at the Fairmount Ave. Stormwater basin and additional aspects of that watershed. Mr. McCague noted he and Mr. Jablonski came up with a project that considers the watershed that runs into and out of the Stormwater basin located on West Fairmount Ave., focusing on the existing small drainage basin.

Mr. John Jablonski briefly described where the water is coming from, what the plan will entail and said with the culvert work the village has done on Erie St., he is encouraged the erosion downstream will be greatly reduced.

Mr. Jablonski indicated the Chautauqua Watershed Conservancy has graciously offered to partner with the Village of Lakewood by using available grant money for the engineering and have the upgrading done by the Department of Public Works, as the village share of the application.

RESOLUTION #125-2020 SUPPORT THE FAIRMOUNT STORMWATER BASIN
& WATERSHED IMPROVEMENT PROJECT

Motion by Trustee McCague, seconded by Trustee Schutte, that the village Board of Trustees hereby supports the Fairmount Stormwater Basin & Watershed Improvement Project and additionally authorizes the Chautauqua Watershed Conservancy to expend their generously volunteered dollars to pursue the engineering and retain the firm EcoStrategies Engineering & Surveying, PLLC, to conduct that work.

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

RECESS

Motion by Trustee Schutte, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.

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

PUBLIC HEARING: 6:50 PM
SITE PLAN REVIEW
341-343 EAST FAIRMOUNT AVE.

Mayor Holcomb opened the public hearing at 6:51 PM, on the request for site plan review by Ms. Lori Thierfeldt, to construct a professional office building at 341-343 East Fairmount Ave. Mayor Holcomb asked if there was anyone who had any questions or comments about this request.

Ms. Lori Thierfeldt, owner of Madmar Development Corp. updated the board on the progress of the construction, her plans for the site and added the project is well underway.

Mayor Holcomb said the village has received a letter from Chautauqua County Planning & Community Development stating the project will have no significant county wide or intracommunity impact and the proposal will be of local concern.

With no one else to be heard, Mayor Holcomb closed the public hearing at 6:58 PM, and proceeded to re-open the regular meeting.

RESOLUTION #126-2020 – APPROVE PROPOSED SITE PLAN FOR
MADMAR DEVELOPMENT CORP. PROJECT

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to approve the proposed site plan for the Madmar Development Corp. project whereby Ms. Lori Thierfeldt, Jamestown, NY will be allowed to develop the property at 341-343 East Fairmount Ave., with the construction of a 5,700 sq. ft. professional office building on the site per the documents and plans as presented.

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

AUGUST 10, 2020 (continued)

RESOLUTION #127-2020 – ADOPT NEGATIVE DECLARATION AND LEAD AGENCY

Motion by Trustee Schutte, seconded by Trustee Fischer, to designate the Village of Lakewood as the Lead Agency and approve making a Negative Declaration under the State Environmental Quality Review Act, (SEQRA), that the proposed project by Madmar Development Corp., 341-343 E. Fairmount Ave., will not have any significant adverse effect on the environment.

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

DISCUSSION

Village Attorney John I. LaMancuso briefly explained the steps that need to be taken when the village transfers property. Mr. LaMancuso said the first thing the board needs to do is pass a resolution stating the property is not needed any longer for village purposes and the village does not anticipate needing it in the future.

Mr. LaMancuso said once that is done then the village can move forward with transferring the parcel but must do so for fair market value. He said the board will need to decide who will do an appraisal of the parcels and who will be responsible to pay for the appraisals as well as the surveys.

Trustee Barnes asked Mr. LaMancuso if the buyer pays for the survey can that dollar amount be figured into the fair market value.

Mr. LaMancuso said since the seller usually pays for the survey and the buyer has already had one done then he doesn't see why that couldn't be a credit towards the fair market value.

RESOLUTION #128-2020 – DETERMINATION OF “PAPER STREET” MIDCREST AVE.

Motion by Trustee Schutte, seconded by Trustee Barnes, that the Board of Trustees determined the portion of the paper street, Midcrest Ave., between Hillcrest Ave. and Maplecrest Ave. is a surplus property and of no use to the Village of Lakewood and the village does not anticipated needing it in the future.

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

RESOLUTION #129-2020 – DETERMINATION OF “PAPER STREET” GORDEN AVE.

Motion by Trustee Schutte, seconded by Trustee Barnes, that the Board of Trustees determined the approximate 89 ft. portion of the paper street Gordene Ave., which is specified in the request to purchase by Messrs. Moran and Mr. Bogdan and is documented by the survey, is a surplus property and is of no use to the Village of Lakewood and the village does not anticipated needing it in the future.

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

RESOLUTION #130-2020 – AUTHORIZE LIVE ON THE LAKE CONCERT

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to authorize the band “The Probables” to perform August 20, 2020 from 7-9 PM at Richard O. Hartley Park as an extended Live on the Lake concert.

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

RESOLUTION #131-2020 – APPROVE REVISED LEASE AGREEMENT WITH THE CLCSF

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to approve the revisions to the lease agreement between the Village of Lakewood and the Chautauqua Lake Community Sailing Foundation, Inc. and authorized Mayor Holcomb to execute said agreement with the term to end October 31, 2020.

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

AUGUST 10, 2020 (continued)

ANYONE TO BE HEARD

Mr. Thomas Marlinski, 36 Ohio Ave., said he is afraid Chautauqua Ave. is turning into Stateline Speedway. In the evening hours there are motorcycles going approximately 70 mph between Summit St. & Terrace Ave. He indicated that sometimes they are traveling in groups and will be doing wheelies.

RECESS

Motion by Trustee Barnes, seconded by Trustee Fischer, to recess the regular meeting of the Board of Trustees at 7:21 PM, so as to enter into executive session to discuss police contract negotiations.

EXECUTIVE SESSION

Present at the executive session were Mayor Randall G. Holcomb, Trustee Ellen E. Barnes, Trustee Edward J. McCague, Trustee Douglas L. Schutte, Trustee R. Richard Fischer, Village Attorney John I. LaMancuso, Village Clerk Mary B. Currie and Village Treasurer Apryl L. Troutman.

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Schutte and unanimously carried to adjourn the executive session and regular Board of Trustees meeting at 8:34 PM.

Mary B. Currie
Village Clerk