

AUGUST 12, 2019

The fifteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, August 12, 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, Deputy Village Treasurer Mary B. Currie, Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling, and Fire Chief Steve Smouse. Absent was Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Schutte, seconded by Trustee Barnes, to approve the minutes of the regular meeting of the Board of Trustees, held July 8, 2019, as edited.

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

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the minutes of last regular meeting of the Board of Trustees, held July 22, 2019.

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

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Holcomb, that the claims as audited by the Auditing Committee of the abstracts dated July 30, 2019 and August 12, 2019, (as updated) be approved and that the Clerk shall execute said abstracts (#9, #9 & #11) and direct payment by the Treasurer. General Fund: \$ 24,893.28, (Checks #16062 thru #16065), Trust & Agency Fund: \$ 61,029.90, (Checks #4841 & #4842), General Fund: \$ 204,880.11, (Checks #16066 thru #16117)

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

REPORTS

Deputy Mayor McCague wished to report that in accordance with a 2019 Special Projects Funding Grant Agreement, the Village of Lakewood recently received a check in the amount of \$ 16,700.00 from the Chautauqua Lake & Watershed Management Alliance to fund a portion of its 2019 Herbicide Treatment Program. Of the amount received, the County of Chautauqua funded \$ 9,000.00, while The Lenna Foundation funded \$ 7,700.00. Deputy Mayor McCague, on behalf of the Board of Trustees, expressed thanks to both entities for their generous support of the Village of Lakewood's 2019 Herbicide Treatment Program.

Department of Public Works Supervisor Thomas R. Pilling reported that the DPW has completed its 2019 street paving projects, which included Crystal Bend, Holly Dr., & Shadyside Ave. south of Rt. 394. It was also reported that approximately 400 ft. of new sluice pipe was installed along Shadyside Ave., as a stormwater control measure. Mr. Pilling also reported that efforts to replace the cross pipe under Erie Street are underway. He indicated that road resurfacing work, using stone and oil, will begin toward the end of August, work on the Crescent Creek Stormwater Management Project is continuing, and that 160 lineal feet of sluice pipe was replaced at 201 Winchester Road which should improve the flow of stormwater down through the watershed.

Changing subjects, Mr. Pilling reported that plans to improve the energy efficiency of the lighting fixtures in the A.C. Caprino Municipal Building has received approval from National Grid and right now the Village of Lakewood is awaiting an inspection of the lighting fixtures on the first floor.

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Mr. Rich Fischer, 43 West Fairmount Ave., indicated Chautauqua County is currently widening the shoulders of County Highway #110 from the village line east to Jackson Ave., and wondered if they are planning to work their way west.

Chautauqua County Legislator P.J. Wendel said he recently spoke with Mr. Brad Bentley, Director of the Chautauqua County Department of Public Facilities, and was told they are enhancing the road's shoulders, east to Fairdale Ave., per the recommendation from the Complete Streets Task Force. With the widening and improvements to the shoulders, it's hopeful they will be wide enough to add a bike path.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to five thousand six hundred seventy-three incidents year-to-date, four hundred seventy-two of which occurred within the past three weeks. Chief Bentley wished to publically thank the Chautauqua County District's Attorney's Office, who assisted in providing the L-BPD some asset forfeiture money, which helped fund the purchase of its new K-9 Unit vehicle.

Fire Chief Steve Smouse reported that the Lakewood Volunteer Fire Department has responded to six hundred forty-three alarms year-to-date, and that the LFD responded to a record number of 112 alarms for a single month during July 2019. Needless to say, the LFD is very busy and that they are just trying to keep-up.

Deputy Treasurer Mary B. Currie, on behalf of Treasurer Apryl L. Troutman, reported that the Village of Lakewood has received its latest quarterly sales tax revenue check in the amount of \$ 188,412.63, which is \$ 11,151.68 more than what was received for the corresponding quarter last year. Ms. Currie also noted there is a \$ 1,344.76 shortfall in available funding to pay for Lakewood's 2019 Herbicide Treatment Program, and wondered if the Board of Trustees would consider a resolution this evening to transfer a like amount from the Contingent Account.

Finally, Deputy Treasurer Currie indicated Treasurer Troutman adjusted the abstract dated August 12, 2019 by \$ 4,000.00, due to the fact that the \$ 4,000.00 check from the Chautauqua County District Attorney's Office, to help fund the L-BPD's purchase of its new K-9 Unit vehicle, was made payable to the dealership.

Village Clerk Johnson asked Deputy Mayor McCague if he and members of the Board of Trustees would be considering a resolution this evening to transfer \$ 1,344.76 from the Contingent Account to take care of the balance owed to Solitude Lake Management, for aquatic herbicide application.

Village Clerk Johnson then reported that the lifeguard staff at Richard O. Hartley Park/Beach will be heading back to college next week and therefore Tuesday, August 20th will be the last day the beach will be open for the season. He noted unfortunately for most of the summer, the Chautauqua County Health Dept. has not permitted any swimming, due to the Harmful Algal Blooms (HABS) in the south basin of Lake Chautauqua.

Village Clerk Johnson also reported that the summer concert/entertainment series for 2019, held on Thursday evenings at Richard O. Hartley Park was a success. He noted that there were no rain-outs and each of the events were well attended. Mr. Johnson then thanked Mr. David Card, 38 Chautauqua Ave., for his weekly assistance with the popular summer concert series.

Mr. Card agreed, saying things did go well and thanked the Board of Trustees for their support of the summer concert series. Mr. Card said he figured a total of about eight hundred people attended the five events which was an increase from last year. The only negative comment he received was during one of the concerts, a number of people complained of second-hand smoke. He said there was talk previously of making Richard O. Hartley Park and other Lakewood Parks smoke-free.

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COMMITTEE REPORTS

Trustee Holcomb indicated that correspondence he has received has been uploaded to the New York State Energy Research & Development Authority, (NYSERDA) site with respect to the energy audits performed and street lighting fixture upgrades. Trustee Holcomb also noted that the Village of Lakewood has received an invoice from the New York Power Authority in connection with the aforementioned energy audits.

RESOLUTION #126-2019 – TABLE ACTION ON CONTINUING VISION SERVICE PLAN

Motion by Trustee Barnes, seconded by Trustee Schutte, for the Board of Trustees to table action on former Police Officer Carl A. Caprino's request to continue the Vision Service Plan (VSP), through the Village of Lakewood, post-retirement, until more information regarding available vision plans and corresponding premiums is received.

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

RESOLUTION #127-2019 – AUTHORIZE FUND TRANSFERS

Motion by Trustee Schutte, seconded by Trustee Barnes, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 2,000.00 from Account 230.00, (STOP-DWI), \$ 3,355.24 from Account 1093.30, (Radar Sign), \$ 2,000.00 from Account 1093.37, (Police K-9 Unit), \$ 12,000.00 from Account 1093.20, (Federal Asset Forfeiture), into Account A3120.20, (Police Equipment), to pay for the new 2019 Dodge Durango K-9 patrol vehicle, per the request of Police Chief John R. Bentley.

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

RESOLUTION #128-2019 – APPOINT NEW FULL TIME POLICE OFFICER

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Board of Trustees to appoint Mr. Tyler D. Conlan, effective August 14, 2019, to the vacated full-time police officer position created by the recent retirement of Officer Carl A. Caprino, per the recommendation of Police Chief John R. Bentley. Officer Conlan, who has worked part-time for the L-BPD since June 22, 2016, shall start at the Step I pay scale.

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

RESOLUTION #129-2019 – REGISTRAR OF VITAL STATISTICS APPOINTMENT

Motion by Trustee Schutte, seconded by Trustee Barnes, to appoint Deputy Village Clerk Mary B. Currie as Registrar of Vital Statistics for the Village of Lakewood, New York.

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

RESOLUTION #130-2019 – DEPUTY REGISTRAR OF VITAL STATISTICS APPOINTMENT

Motion by Trustee Holcomb, seconded by Trustee Barnes, to appoint Treasurer Apryl L. Troutman as Deputy Registrar of Vital Statistics for the Village of Lakewood, New York.

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

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RESOLUTION #131-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 25,000.00 from Account T1037.35, (Chautauqua Lake Donations), into Account A8510.43, (Community Beautification/Lake Shore Management), to pay Solitude Lake Management for 2019 herbicide applications and related expenses.

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

RESOLUTION #132-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Schutte, seconded by Trustee Holcomb, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 2,373.00 from Account A1990.40, (Contingent Account), into Account A8020.40, (Planning), to pay Clinton Brown Company Architecture, pc, Buffalo, N.Y., for grant administration services in connection with the New York Main Street Grant program.

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

RESOLUTION #133-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Schutte, seconded by Trustee Barnes, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 360.00 from Account T1093.15, (Farmers' Market Fund), into Account A8510.40, (Community Beautification), to pay for new signage.

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

RESOLUTION #134-2019 – ACCEPT RESIGNATIONS OF TWO LFD MEMBERS

Motion by Trustee Barnes, seconded by Trustee Holcomb, that the Board of Trustees, acting as the Board of Fire Commissioners, accept the resignation of Lakewood Vol. Fire Department members Mr. Colin Melquist and Mr. Elijah West.

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

RESOLUTION #135-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing Village Treasurer Apryl L. Troutman, to transfer \$ 1,344.76, from Account A1990.40, (Contingent Account), into Account A8510.43, (Community Beautification/Lake Shore Management), to pay Solitude Lake Management the remaining balance for herbicide applications done in 2019.

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

ANYONE TO BE HEARD

Mr. Jack Knowlton, President of the Lakewood Volunteer Fire Company, Inc., appeared before Deputy Mayor McCague and the other members of the Board of Trustees to answer any questions or to clarify anything regarding a photo of the LFD Training Facility sign which was "put-up" on the Village of Lakewood web site. Per his request, the sign was recently removed from the web site.

Mr. Knowlton said because the sign was listed under Village Parks on the web-site, its posting as such may have contributed to some problems the Lakewood Vol. Fire Company encountered recently. He wanted to make it clear the property where the LFD Training Facility is located is not owned by the Village of Lakewood but rather by the membership of the Lakewood Vol. Fire Company, Inc.

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He said although the property is posted, over time people have been seen walking their dogs and releasing trapped animals on the property. Unfortunately, the property has also at times become a dumping ground for other people's junk such as mattresses and tires.

Mr. Knowlton said most importantly the property is posted so as to prevent trespassers from accessing the training structures and causing damage to them or other equipment on site.

Mr. Knowlton did point out that "Firemen's Field", the artificial turf baseball field, is also owned by the Lakewood Vol. Fire Company, but is open to the public via Linwood Ave. Mr. Knowlton also noted the Lakewood Fire Vol. Company has recently invested a good deal of money to convert the former water treatment plant building, adjacent to the baseball field, into public rest rooms and concession area for use by the Southwestern Area Sports Boosters and those utilizing the field.

Deputy Mayor McCague thanked Mr. Knowlton for pointing out the issue regarding the web-site posting and said it was removed immediately.

Fire Chief Steve Smouse, 155 East Terrace Ave., appeared before members of the Board of Trustees to voice his concern about a couple of vacation rental properties that have "cropped-up" in his neighborhood. He said unfortunately one of them is at 151 Front Street, which is located at the very narrow dead end of the street at Crescent Creek. It makes for a very congested street when multiple renters arrive in town with boat trailers, etc. It is getting out of hand and Mr. Smouse said if one googled Air BnB & Breakfast-Lakewood, NY, he would guess there are many, many more listed than are registered with the Village. Speaking as the Fire Chief now, Mr. Smouse said emergency vehicles would be hard pressed to get through certain streets that are clogged with vehicles belonging to short-term/vacation renters.

Deputy Mayor McCague said he understands Mr. Smouse's concern and told him that he personally opposed the whole idea of allowing vacation rentals.

Mr. Smouse said the owner(s) of 151 Front Street have even gone to the expense of creating a lighted sign identifying the property. It's gotten nuts.

Deputy Mayor McCague said as a first step, suggested for him to provide a list of the vacation rental addresses to the Code Enforcement Officer and the Village Clerk. He said there is an enforceable law in place that requires among other things an inspection.

Legislator P.J. Wendel said as a follow-up, he, along with Mr. Jim Cafilisch, Director of the Chautauqua County Department of Finance would appreciate a listing of known vacation rental properties within the Village of Lakewood that they could use as a cross reference in support of Lakewood's own local law.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees at 7:04 PM, to enter into executive session so as to discuss legal 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 and Village Clerk Joseph M. Johnson. Motion by Trustee Barnes, seconded by Trustee Holcomb, to adjourn the executive session at 7:27 PM, and to re-open the regular meeting.

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RESOLUTION #136-2019 – OFFER CONSENT FOR VILLAGE ATTY. TO APPEAR IN TOWN COURT

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to offer informed consent in allowing Village Attorney John I. LaMancuso to represent a client on a matter in Busti Town Court and to authorize Deputy Mayor McCague to counter-sign a letter of consent stating it would indeed be permissible for him to do so.

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

RESOLUTION #137-2019 – ACCEPT LOW QUOTE FOR SURVEY WORK

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Village of Lakewood to accept the low quote of \$ 700.00, as submitted by Daniel L. Barry Land Surveyor, LLC, Lakewood, N.Y., to produce a boundary and location survey of the property known as 19 Owana Way, and to authorize Deputy Mayor McCague to execute the survey proposal on behalf of the Village of Lakewood, N.Y.

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

Motion by Trustee Barnes, seconded by Trustee Schutte, and unanimously carried, the Board adjourned at 7:29 PM.

Joseph M. Johnson
Village Clerk