

AUGUST 26, 2019

The sixteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, August 26, 2019, 6:30 PM, with Deputy Mayor Edward J. McCague presiding. Trustees present were Ellen E. Barnes, and Douglas L. Schutte. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Apryl L. Troutman, Police Chief John R. Bentley, and Building Inspector Jeffrey A. Swanson. Absent were Trustee Randall G. Holcomb, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Steve Smouse.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Schutte, to approve the minutes of last regular meeting of the Board of Trustees, held August 12, 2019.

Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Schutte, that the claims as audited by the Auditing Committee of the abstracts dated August 26, 2019, be approved and that the Clerk shall execute said abstracts (#13, & #13) and direct payment by the Treasurer, with the exception to include in the abstract a payment in the amount of \$ 8,015.75 to the New York Power Authority for energy audits done at the A.C. Caprino Municipal Bldg., Fire Station and DPW Garage. General Fund: \$ 125,479.31 (Checks #16118 thru #16153), NOTE: Check #16123 was voided. Trust & Agency Fund: \$ 47,253.24 (Checks #4852 & #4843)

Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

REPORTS

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to five thousand nine hundred sixty-four incidents year-to-date, three hundred four of which occurred during the past two weeks. He also reported that two new part-time policer officers have recently been hired, which brings the staff up to full strength. Officers Eddy & Nazario's date of hire will be August 28th. He said once the two new officers get some field training behind them they will begin sharing Busti Town Court Officer duties.

Chief Bentley indicated that members of the L-BPD recently participated in an "active shooter" training session at Eisenhower Central School, near Lander, PA. If an incident did occur at the high school, L-BPD's Town car would likely be the closest police vehicle to that location. Chief Bentley noted that the L-BPD and the Pennsylvania State Police have a very good working relationship.

Changing subjects, Chief Bentley said there had been some discussion about adding surveillance cameras at the Anthony C. Caprino Municipal Building and property, plus possibly on Chautauqua Ave. With the additional cameras in place he would also like to have installed, new and improved signage in connection with use of the public parking area behind the A.C. Caprino Municipal Building.

Deputy Mayor McCague said he is in total agreement with Chief Bentley about installing additional security cameras and making improvements to the public parking area behind the A.C. Caprino Municipal Building. He said, with a surveillance camera in place on Chautauqua Ave., it would be a low cost way to add a level of security to our main street.

Trustee Schutte said if changes are forthcoming in how the parking area behind the A.C. Caprino Municipal Building is utilized, he suggested that the owners of vehicles and equipment presently parked there and the general public be made of those changes through some sort of public notice.

AUGUST 26, 2019 (CONTINUED)

Although Village Clerk Johnson had no report, Deputy Mayor McCague asked him if he could produce a list of short term rental locations within the Village of Lakewood and note the ones that were registered through the Clerk's Office.

Village Clerk Johnson indicated that Deputy Clerk Mary B. Currie searched the various sites and came up with a list of short term rentals within the Village of Lakewood, however the number of those listed, which were also registered with the Clerk's Office, was very low. Village Clerk Johnson indicated the list of short term rentals within the Village of Lakewood was forwarded to County Legislator P.J. Wendel, per his request.

Building Inspector Jeff Swanson said in speaking about short rental properties, New York State has just come out with a one hundred forty-six page document on rental properties, which deals with among other things, developing a rental registry, property maintenance, etc.

Mr. Swanson reported the new Taco Bell restaurant project is moving forward following a couple minor glitches. He also reported his office has received additional complaints regarding the "junk vehicle" located in the driveway at 119 Elizabeth Street and is waiting to hear from the Village Attorney on what direction needs to be taken.

COMMITTEE REPORTS

Trustee Barnes wished to update her fellow Board members and the public on the status of the proposed street lighting fixture change-over program. In speaking with a National Grid representative earlier in the day, she was told, because a lot of communities are going through the same program in switching over to LED street lighting fixtures, National Grid crews are very busy, but noted it is going to happen.

Building Inspector Swanson indicated the street lighting fixture conversion program throughout the Town of Busti's lighting districts is nearly complete.

RESOLUTION #138-2019 – APPROVE VISION SERVICE PLAN CONTINUANCE

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to approve retired L-BPD Officer Carl A. Caprino's request to continue as a subscriber of the Vision Service Plan (VSP), through the Village of Lakewood post-retirement, with the understanding he will be responsible for his monthly premiums in accordance with the payment plan established by his former employer.
Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

DISCUSSION – REQUEST FOR PROPOSALS – CHAUT. AVE. GREEN ST. RETROFIT PROJECT

Deputy Mayor McCague welcomed Project Manager Mr. Randall Perry, from the Chautauqua Lake & Watershed Management Alliance to this evening's Board of Trustees meeting and wished to note, prior to Mr. Perry giving a brief overview of the project, that he has received from New York State Environmental Facilities Corporation, an executed Grant Agreement for this project.

Mr. Perry indicated because it has been awhile since he has had a chance to speak to members of the Board of Trustees on this project, he thought it might be a good idea to provide them a brief timeline on the subject matter.

He said back in December of 2018, the NYS Environmental Facilities Corporation awarded the Village of Lakewood with a \$ 695,000.00 grant, which comes with a 10% local match.

AUGUST 26, 2019 (CONTINUED)

He said the 10% local match could be covered via cash contributions from the County of Chautauqua, the Chautauqua Lake & Watershed Management Alliance and/or through in-kind services provided by the Village of Lakewood Department of Public Works.

Mr. Perry said the Village of Lakewood, by resolution on January 28, 2019, accepted the grant as awarded and proceeded to form a “project team”, which includes Trustee Holcomb and Trustee Schutte, plus two Chautauqua Ave. business owners.

He said now that the grant agreement is in place, the Village of Lakewood with assistance from the “project team”, can seek engineering proposals to move to the next phase, which is project design. The timetable for the first two phases of the project is the Fall of 2019 into the Spring of 2020, with plans to commence construction in the summer of 2020.

Mr. Perry said the first step in the process, which is included on tonight’s agenda, is for the Board of Trustees to approve the Request for Proposals (RFP) for Engineering Services for the Chautauqua Ave. Green St. Retrofit Project.

Deputy Mayor McCague commended Mr. Perry for the stellar job he has done in putting together a rather detailed and voluminous Request for Proposal for this project.

Mr. Perry wanted to acknowledge the “project team”, which has done an excellent job in getting the Village of Lakewood to this stage in the project, noting it hasn’t been a one person operation. The “project team” will be asked to put in a lot more work before the project is completed.

RESOLUTION #139-2019 – APPROVE REQUEST FOR PROPOSALS - RETROFIT PROJECT

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to approve the Request for Proposals (RFP) for Engineering Services for the Chautauqua Ave. Green Street Retrofit Project, as prepared by the Chautauqua Lake & Watershed Management Alliance, and to seek sealed bids for the project in accordance with the Village of Lakewood’s procurement policy.

Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

PRESENTATION & DISCUSSION – POTENTIAL STORMWATER MANAGEMENT PROJECT

Mr. Andy Johnson, PE, from Ecostrategies, Falconer, New York, appeared before Deputy Mayor McCague and members of the Board of Trustees to present to them a potential stormwater management project located in the watershed above the Brook Street and Lowe Park stormwater outfalls into Lake Chautauqua.

Mr. Johnson said as a Civil Engineer, he specializes in water resources and environmental engineering. Mr. Johnson said he was hired by the Chautauqua Watershed Conservancy to look at the watershed above the railroad overpass on West Fairmount Ave., to determine if something could be done to reduce the flooding in that area following significant rain events.

He noted that when the Grandview Estates residential subdivision was developed, the owner and developer Mr. Ronald Davidson was required to set aside a three acre parcel for future stormwater management purposes.

Mr. Johnson said unfortunately the three acre parcel isn’t in the best location to capture or treat stormwater. Referencing the conceptual diagram of the “hand-out” packet, Mr. Johnson said he suggested that an area along the south side of the railroad right-of-way be considered as a stormwater retention/storage area.

AUGUST 26, 2019 (CONTINUED)

Due to the topography a lot of erosion takes place in that area and deep channels have formed over the years down the slope, all the way to the railroad tracks. Without a means to slow down or store the amount of stormwater that is generated, it runs northeast along the south side of the railroad tracks into a catch basin. When the existing stormwater drainage system cannot handle the volume it spills out into Rt. 394, flooding the railroad underpass.

Mr. Johnson said so as to store most of the stormwater that comes off the slope above, he is proposing the creation of an elongated stormwater retention and treatment area running parallel to the railroad tracks. Mr. Johnson said he has talked with Mr. Davidson, who is very receptive to the idea, and it is his understanding that Mr. Davidson has submitted a letter of support. He noted not only does Mr. Davidson have one more lot available for sale, but he should also still be able to develop the lots located adjacent to the proposed stormwater retention area.

Mr. Johnson then referenced his conceptual sketch of the proposed stormwater retention areas, which in addition to the natural wetlands in the area, could hold and treat up to approximately one hundred thousand cubic feet of stormwater. He noted the stormwater retention areas as designed could hold more than double the water that flooded the road underpass twice during the month of June 2019. The stormwater retention system would be approximately 1,200 ft. long, and consist of two 500 ft. stormwater pooling areas. As an added benefit a nature trail and park could be incorporated into the overall plan.

In closing Mr. Johnson said the stormwater management plan as proposed is low maintenance and there are overlapping benefits for everyone involved. That would include the Town of Busti, Village of Lakewood, Mr. Davidson and nearby property owners who may have previously sustained property damage due to flooding.

Ms. Ruth Wahl, 106 Winchester Road, asked Mr. Johnson why don't the local codes include laws, if adhered to, could have prevented flooding problems in the first place.

Mr. Johnson said local municipalities such as the Town of Busti and the Village of Lakewood have usually deferred to New York State Codes when it comes to developmental standards. Unless a developer disturbs more than an acre of land they really don't have to do a lot in order to comply. Nothing illegal was done by the developer, however local governments may opt to adopt more stringent codes or local laws when it comes to development.

Building Inspector Jeff Swanson noted that enforcement of New York State Codes dealing with development is nearly impossible. He cited the challenges he had with the developer of the Fairway Suites residential development on Southwestern Drive in the Town of Busti.

Mr. John R. Bentley, 20 Crawford Lane, indicated if this stormwater management project goes forward, it would appear the property owner would benefit greatly. Apparently the property owner/developer should have already devised a suitable plan to handle the subdivision's stormwater. Someone else has now stepped-in and proposes to develop a stormwater retention area on the taxpayer's nickel. Where is the trade-off value?

Deputy Mayor McCague indicated the property owner would have to agree to deed some of his property to the Village of Lakewood, while noting there is definitely is a stormwater problem in that part of the watershed. He also said it was mentioned in the Comprehensive Plan that there was a need for additional parks on the south side of the village. Although it would be considered a nature park & trail, it would feed into the health and wellness of the residents.

Trustee Schutte said although Mr. Davidson might benefit from the proposed project, he is willing to give something, to get something.

AUGUST 26, 2019 (CONTINUED)

Building Inspector Swanson said the Village of Lakewood should consider less expensive alternatives and that more attention should be given to the flooding that occurs on Mall Blvd. He said every time it rains there is a good chance that Mall Blvd. and East Fairmount Ave. floods.

Legislator Wendel indicated that the flooding of the railroad underpass on Rt. 394 is not an annual event, although it did flood twice this past June. The rain during the second of those two rain events fell at a rate of over thirteen inches per hour. Although he has a lot of concerns about the bigger picture, Mr. Johnson's proposed stormwater retention area appears to be a worthwhile effort.

Deputy Mayor McCague wanted to make it clear that the flooding that occurred in June did not initiate this project. The first and foremost goal of this potential stormwater management project was to reduce the amount of sediment and nutrients that were entering Chautauqua Lake.

Trustee Barnes said she followed the flow of stormwater back in June and suggested much more needs to be done "upstream" to temporarily store and/or slow down the flow of stormwater from the Town of Busti.

Deputy Mayor McCague said we all know there are numerous stormwater issues throughout the Village of Lakewood and that we can't address them all. But, we need to start somewhere and believes this project is doable.

Trustee Schutte said in this case we have a property owner that wants to cooperate in addressing a problem. He said this project could be an example for other property owners to follow, with the Village of Lakewood taking a leadership role.

Trustee Schutte asked Mr. Johnson if he thought this project could qualify for funding from various sources.

Mr. Johnson said this project satisfies numerous criteria in qualifying for possible funding opportunities for sure.

Deputy Mayor McCague said although there are no defined cost figures yet for this project, funding opportunities should be available. He then thanked Mr. Johnson for attending tonight's meeting and for his presentation on the potential stormwater management project.

RESOLUTION #140-2019 – APPROVE USE OF VILLAGE STREETS – LAKEWOOD FAMILY YMCA

Motion by Trustee Barnes, seconded by Trustee Schutte, approving the use of Village streets by the Lakewood Family YMCA as the route for their annual Battle of the Businesses 2 mile run, to be held the morning of Saturday, September 14, 2019.

Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

RESOLUTION #141-2019 – APPROVE USE OF VILLAGE STREETS – KALLIE'S KRUSADE

Motion by Trustee Schutte, seconded by Trustee Barnes, approving the use of Village streets by Kallie's Krusade Foundation as the route for its 7th annual fundraiser for pediatric cancer. The run/walk, which will start and finish at the Lakewood Rod & Gun Club, will be held Monday, (Labor Day), September 2, 2019.

Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

AUGUST 26, 2019 (CONTINUED)

RESOLUTION #142-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Schutte, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 16,700.00 from Account T1037.35, [Chautauqua Lake Donations], into Account A8510.43, [Community Beautification-Lake Shore Management], to pay for aquatic herbicide applications and related expenses.

Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

RESOLUTION #143-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Schutte, seconded by Trustee Barnes, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 173,899.60, from an inactive checking account at Key Bank into the General Fund Account at M & T Bank.

Adopted: 3 ayes, no nays, (Barnes, McCague, Schutte)

Trustee Barnes wondered if some of this money to be transferred, could be added to the Village of Lakewood's fund balance. Ms. Barnes suggested that Mrs. Troutman check with the New York State Comptroller's Office to see if that would be possible.

Deputy Mayor McCague suggested that a transfer could be considered at the end of the fiscal year.

Treasurer Troutman indicated she would be happy to check with the NYS Controller's Office.

RESOLUTION #144-2019 – AUTHORIZE PAYMENT OF NEW YORK POWER AUTHORITY INVOICE

Motion by Trustee Barnes, seconded by Trustee Schutte, authorizing Village Treasurer Apryl L. Troutman to remit \$ 8,015.75, per invoice #ESN0684-00001, to the New York Power Authority, as payment for the energy audits conducted at the Anthony C. Caprino Municipal Building, 20 West Summit Street, the Lakewood Fire Station, 2 Packard Ave., and the D.P.W. Garage, 6 Packard Ave. NOTE: Payment will be funded via monies from the Contingent Account, A1990.40.

Adopted: 3 ayes, no nays (Barnes, McCague, Schutte)

ANYONE TO BE HEARD

Mr. Tom Marlinski, 36 Ohio Ave., indicated at the time the Village of Lakewood adopted its local law dealing with excessive and/or unreasonable noise, Ms. Michelle Turner, from Group Ther-Happy, indicated that they would abide by the various particular of the local law as adopted. Mr. Marlinski said Ms. Turner may abide by the newly adopted local law, but the manager of Group Ther-Happy doesn't. He said every Friday and Saturday night, although the band or group may be inside the building, the garage door is opened, which allows music blaring inside to filter through the neighborhood. Mr. Marlinski said he reported the loud music at 9:30 PM, however it continued until 11:00 PM. He said what good is it to adopt a new local law if it can't be enforced.

Deputy Mayor McCague indicated the Lakewood-Busti Police Department will continue to monitor the situation.

AUGUST 26, 2019 (CONTINUED)

Motion by Trustee Schutte, seconded by Trustee Barnes, and unanimously carried, the Board Adjourned at 7:36 PM.

Joseph M. Johnson
Village Clerk