

SEPTEMBER 9, 2019

The sixteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, September 9, 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, and Fire Chief Steve Smouse. Absent were Village Treasurer Apryl L. Troutman, Department of Public Works Supervisor Thomas R. Pilling, and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Schutte, seconded by Trustee Holcomb, to approve the minutes of the last regular meeting of the Board of Trustees, held August 26, 2019, as edited per the suggestion of Deputy Mayor McCague.

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 September 9, 2019, be approved and that the Clerk shall execute said abstracts (#15 & #15) and direct payment by the Treasurer. General Fund: \$ 32,532.63, (Checks #16154 thru #16183), Trust & Agency Fund: \$ 52,581.04, (Checks #4863 thru #4867)

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

REPORTS

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to six thousand three hundred thirty-one incidents year-to-date, three hundred sixty-eight of which occurred during the past two weeks. He also reported that his department was recently audited by Governor Cuomo's Traffic Safety Committee in connection with the Child Safety Seat Program grant. A grant that the L-BPD has been receiving for the past fifteen years or so. He said although the L-BPD will not be receiving this grant this time around, the Governor's Traffic Safety Committee has agreed in allowing the Erie 2 Chautauqua-Cattaraugus BOCES, Ashville, N.Y. & its Traffic Safety Village to become the local administrator for this grant. With collaboration among local law enforcement agencies and the Traffic Safety Village it is possible there will be more funding available through this grant program.

Mr. Rich Fischer, 43 West Fairmount Ave., wished to commend Chief Bentley and the L-BPD, along with other law enforcement agencies for handling a situation involving a motorcyclist that sped through the Village of Lakewood very early one morning last week.

Chief Bentley said because high speed chases involving motorcyclists can be very dangerous, he commended L-BPD Officer Goodwin for calling-off the chase upon reaching Interstate 86.

Fire Chief Smouse reported that the Lakewood Vol. Fire Department has answered ninety-six alarms in August, with thirty-six more so far this month, for a total of seven hundred thirty-nine year-to-date. Chief Smouse also reported that the Insurance Service Office (ISO) is conducting its review of the Lakewood Fire District in determining the district's ISO rating, which impacts homeowner insurance rates. He noted the last ISO review was done five or six years ago and is hopeful the fire district will retain its current rating.

SEPTEMBER 9, 2019 (CONTINUED)

COMMITTEE REPORTS

Trustee Holcomb indicated he has fielded some questions about the traffic flow on East Terrace Ave., (County Highway #110), in the vicinity of the dog park and community boat launch and pavilion. With the parking lot on the south side of the road and boat launch and pavilion on the north side, people are forced to cross the road, which at times can be dangerous. After talking with Chautauqua County Legislator P.J. Wendel, and Police Chief Bentley, we would like for the Chautauqua County Department of Public Facilities to consider establishing a pedestrian crosswalk at that location with identifying signage.

Trustee Holcomb said Chautauqua County appears willing to do so, however they will just need a letter from the Board of Trustees in making that request.

Speaking of traffic control signs, Chief Bentley said he has requested the NYS Department of Transportation to consider additional signage for the west bound lanes on Rt. 394 at Mall Blvd., to provide motorists directions on how to proceed as the roadway tapers down from two lanes to one lane.

Trustee Barnes said the NYS DOT, in addition to signs, should also consider pavement markings at that location to assist motorists in navigating that stretch of highway.

In attendance was Mr. Bob Darling, who indicated he works at the community boat launch on Mondays and Thursdays throughout the summer. He knows firsthand that the section of East Terrace Ave. near the boat launch and dog park is very busy. Mr. Darling said between Memorial Day and Labor Day this year 1,164 boats were launched. He said it becomes a dangerous situation in crossing the road when you've got that many launches, plus Amish buggies, kids, and those using the picnic pavilion. From a safety standpoint he would encourage Village of Lakewood officials to do what they can to have Chautauqua County consider establishing a pedestrian cross walk at that location on East Terrace Ave.

Changing subjects, Trustee Barnes said she has been in contact with L-BPD Officer Daniel Hafner, who doubles as the department's IT specialist, regarding upgrades to the computers in the Clerk's & Treasurer's Office. She then provided members of the Board of Trustees with some "hand-outs" to review and noted the computers are in need of an upgrade to Windows 10, plus an upgrade of the Treasurer's office's accounting software so as to be compatible with a Windows 10 system.

RESOLUTION #145-2019 – AUTHORIZE FUND TRANSFER

Motion by trustee Barnes, seconded by Trustee Schutte, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 382.50 from Trust & Agency Account T1093.40, [July 4th Celebration], into General Fund Account A7550.40, [Celebrations – 4th of July], to pay for an ad in the 2020 Chautauqua County Travel Guide.

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

RESOLUTION #146-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Holcomb, seconded by Trustee Schutte, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 2,375.00 from General Fund Account A19190.40, [Contingent], into General Fund Account A8020.40, [Planning] to pay Clinton Brown Company Architecture, pc for administrative services in connection with the New York Main Street Grant, SHARS ID #20180100.

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

SEPTEMBER 9, 2019 (CONTINUED)

RESOLUTION #147-2019 – AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Schutte, authorizing Village Treasurer Apryl L. Troutman to transfer \$ 24.95 from Trust & Agency Account T1093.15, [Farmers' Market Fund], into General Fund Account A8510.40, [Community Beautification], to pay for a market related expense.

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

RESOLUTION #148-2019 – APPROVE ADDENDUM TO POLICE SERVICES AGREEMENT

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to approve the addendum to the Police Services Agreement between the Village of Lakewood and the Town of Busti as edited by Town of Busti Attorney Joel Seachrist, regarding Town of Busti Court Officers, with the exception that the minimum charge per appearance be changed from one (1) hour to two (2) hours, and to authorize Deputy Mayor McCague to execute the same.

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

RESOLUTION #149-2019 – AUTHORIZE BUILDING SIGNS TO BE REFURBISHED

Motion by Trustee Schutte, seconded by Trustee Barnes, authorizing Village Clerk Joseph M. Johnson to make arrangements with Mr. Andrew Jochum, and Masterpiece D' Signs, Jamestown, N.Y., to remove and repaint the two (2) signs for the Anthony C. Caprino Municipal Building at a cost of \$ 1,095.00 each, per the quote dated February 20, 2019.

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

RESOLUTION #150-2019 - GRANDVIEW ESTATES STORMWATER MANAGEMENT PROJECT

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to go on record in support of the potential Grandview Estates Stormwater Management Project, as presented by Andy Johnson, P.E. of Ecostratigies, Falconer, New York, at a regular meeting of the Board of Trustees held August 26, 2019.

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

RESOLUTION #151-2019 – SUPPORT ESTABLISHMENT OF EAST TERRACE AVE. CROSSWALK

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to support the idea of establishing a pedestrian crosswalk on East Terrace Ave., (Chautauqua County Highway #110), in the vicinity of the community boat launch and dog park, and to respectfully ask the Chautauqua County Department of Public Facilities, Falconer, N.Y., via a letter from the Village of Lakewood, to seriously consider do so as a matter of public safety.

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

ANYONE TO BE HEARD

Mr. Michael Looker, 15 Owana Way, asked Deputy Mayor McCague and members of the Board of Trustees if anyone has news on what might the plans be for the former Beechwood Restaurant, 400 East Terrace Ave. The building and property are very ratty looking and it is unfortunate it is located at one of the main entrances into the village.

SEPTEMBER 9, 2019 (CONTINUED)

Trustee Barnes indicated the owner of the property had entered into a business agreement with a partner, and apparently it is not going very well. Although the matter is currently being litigated, Ms. Barnes said the owner is looking to sell or auction-off the property, building and its contents. She indicated that the interior of the building has undergone some remodeling and that it is her understanding the kitchen is fully functional. Trustee Barnes said let's all keep our fingers crossed that the matter can be resolved quickly and that someone purchases the property soon so it doesn't continue to be the eyesore it has become.

Mr. Ray Tudor, 255 West Summit Street, appeared before Deputy Mayor McCague and members of the Board of Trustees, to ask if they have any expectations in removing a portion of a very large tree that has fallen in the lake adjacent to the Lowe Ave. right-of-way. The reason being, his house is on the market and he would like to be able to include "lake access" as an added attraction with the sale of his house.

Deputy Mayor McCague indicated members of the Board of Trustees have received some information on the situation. He said when the Chautauqua Lake Association was contacted, their response was they don't have the means to deal with this particular situation and have no jurisdiction in the matter. Deputy Mayor McCague said Department of Public Works Supervisor Thomas R. Pilling has looked at the situation and determined the tree in question is not on Village of Lakewood property and therefore is not responsible for its clean-up.

Mr. Tudor asked is there a need to seek assistance elsewhere.

Mr. Rich Fischer interjected saying, because the fallen tree is in the lake, shouldn't New York State be contacted.

Deputy Mayor McCague indicated if the tree is on private property, than it should be the responsibility of the land owner.

Village Clerk Johnson indicated he copied the property owners in the immediate area of the tree, with the letter sent to the Chautauqua Lake Association and their response, but has yet to hear anything back from them.

Deputy Mayor McCague indicated to Mr. Tudor the Village of Lakewood will do what it can outside of taking any responsibility for removing that section of tree from Chautauqua Lake. He said the Village of Lakewood will gladly notify the property owner directly via a letter and contact the NYS Department of Environmental Conservation for their input.

Mrs. Carol Jones, 144 West Summit Street, asked Deputy Mayor McCague and members of the Board of Trustees if any of them plan on representing residents of the Village of Lakewood at a November meeting, at which Chautauqua County Executive George Borello is expected to propose adding taxing districts around Chautauqua Lake resulting in the potential for increased assessments/taxes. Mrs. Jones indicated the condition of Chautauqua Lake in front of their house has never been this bad in over the thirty years they've owned the property. She is fearful that if taxes continue to increase, out of town owners will sell, resulting in a decrease of local property values, adding it becomes a never ending cycle.

Members of the Board of Trustees indicated that they plan on attending the November meeting on behalf of those residents who may not be able to attend.

Mr. Rich Fischer, 43 West Fairmount Ave., indicated the Village of Lakewood had approved to have a survey done of the property at 19 Owana Way, and wondered what the result of the survey revealed.

Deputy Mayor McCague indicated to his knowledge, the survey Mr. Fischer referred to hasn't been done yet.

SEPTEMBER 9, 2019 (CONTINUED)

Mr. Fischer then asked about the agreement between the Village of Lakewood and the law firm handling a zoning matter for the Village of Lakewood.

Deputy Mayor McCague indicated what he is asking about is in litigation, it is a matter for executive session and cannot be discussed.

Mr. Fischer said the point he wanted to make is he hoped the matter would not be drawn out, like the cell tower issue has become, wherein the Village of Lakewood is spending a lot of money for legal counsel, when things could have been resolved less expensively.

On an unrelated matter, Mr. Fischer said this is something for the Code Enforcement Officer to look into, but can't something be done to encourage the owners of the property at 264 East Terrace Ave. to comply with the Village of Lakewood's property maintenance standards. He said the house and property are a disaster and asked how do they get away with it.

Trustee Barnes indicated to Mr. Fischer when it comes to property maintenance getting the local court's cooperation to enforce the laws is very challenging for the code enforcement officer.

Deputy Mayor McCague indicated that property maintenance issues are not new to the Village Lakewood, Currently there is a Zoning Committee in place that is taken notice of these particular issues and there is a data base listing properties considered substandard. There are a couple of structures scheduled for demolition and others have been posted in violation of the NYS Uniform Building Code. Deputy Mayor McCague indicated that the Property Maintenance Code has been "tightened-up" in the past year. The Board of Trustees is certainly aware of these problems, however they present a challenge. He said Code Enforcement Officer Jeff Swanson is working diligently in addressing these issues as best he can.

Deputy Mayor McCague said unfortunately abandoned/zombie properties, junk cars, lawns not mowed, and junk in the yards are a few things that detract from homes in neighborhoods that are well kept by folks who take pride in their community.

Motion by Trustee Barnes, seconded by Trustee Schutte, and unanimously carried, the Board adjourned at 7:21 PM.

Joseph M. Johnson
Village Clerk