

AMENDED

NOVEMBER 2, 2018

A Special meeting of the Board of Trustees of the Village of Lakewood, NY, was held Friday, November 2, 2018 at 8:00 AM, with Deputy Mayor Edward J. McCague presiding. Trustees present were Ellen E. Barnes, Randall G. Holcomb and Douglas L. Schutte. Also present were Deputy Village Clerk Mary B. Currie, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Public Works Supervisor Thomas R. Pilling, and Building Inspector Jeffrey A. Swanson. Absent were Village Clerk Joseph M. Johnson and Fire Chief Steve Smouse.

Deputy Mayor McCague opened the meeting by explaining that there is only one thing on the agenda which is under old business. They are there to conduct a re-vote in considering the appointment of Trustee Edward J. McCague as "Acting Mayor" of the Village of Lakewood.

Before asking for a motion, Mr. McCague asked if there was anyone in the audience that would like to make any comments.

Ms. Joan Erickson, 9 Stoneman Ave., wanted to comment on the Editorial in today's edition of the Post Journal on congratulating Deputy Mayor McCague and how nice it was for the Editor to write that.

With no one else to be heard Trustee Douglas Schutte made a motion to appoint Deputy Mayor Edward J. McCague as Acting Mayor for the Village of Lakewood until December 31, 2018 and to also appoint Deputy Mayor Edward J. McCague as Acting Mayor for the Village of Lakewood from January 1, 2019 to December 31, 2019 and with that being done Acting Mayor Edward J. McCague would consult with the entire Village Board in the appointment of the new Trustee replacement and would make that placement with not less than a 3 to 1 vote.

Village Attorney John I. LaMancuso pointed out that he would become Mayor not Acting Mayor.

Trustee Schutte wished to remove "Acting" from the motion.

Mr. McCague asked Mr. LaMancuso who may vote and if he should he recuse himself. Mr. LaMancuso felt that Mr. McCague should recuse himself from deliberating on it but not from voting on it.

Deputy Mayor McCague reiterated that there was a motion on the table, was there a second.

Trustee Randall Holcomb seconded the motion but wished to have a discussion on it by pointing out a few things that he wished to have be part of the minutes. Went as followed:

Since our last meeting on October 22nd when I attempted to make a compromise in appointing Mr. McCague as Mayor, I've reached out to several village residents asking them to consider an appointment as a Village Trustee. One in particular was very interested and took time to consider it and have necessary discussions with his family, friends and constituents. He's a longtime member of this community and active in many areas and boards, and a member of social clubs in Lakewood. He's spoke up at many Village Board meetings, both pro and con. He has talked to all of us on this Board since the last meeting on October 22nd.

Yet here we are 11 days later, and Mr. McCague says he will wait until after he is appointed as Mayor to make the decision about the new Trustee, that is what he told this interested party. I've worked hard in the last 11 days to find a Trustee candidate.

I've held up my end of the bargain and have heard little or nothing from Mr. McCague and Mr. Schutte about a compromise. I went out on a limb to try and make a compromise and accomplish this, against much disagreement, and have heard little or nothing.

So, no, I will not support appointing Mr. McCague as the Mayor. I revert back to my original decision of leaving the Mayor position vacant and the four of us to continue as we have, with Mr. McCague as Deputy Mayor. The

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New York State Board of Elections in Albany will verify that it is acceptable and has happened numerous times every year throughout New York State.

I will say once again as I did at the last meeting, the four of us here have worked together successfully this past year with many absences from the past Mayor. She was coached to resign only after September 19th so the mayor position could not appear on the ballot in this November election. Had she resigned before she abandoned her position and moved to Florida, we would not be in this predicament now, how many people move to a different state and resign their job 2 weeks after they have moved. But that is how she was coached. So we will let the election process of November 2019 determine the next Mayor and Trustees. It did not have to be this way.

Trustee Ellen Barnes added that the Village Board has had only four people on the board in the past and has gotten along fine and accomplished quite a bit. She also stated that she will be standing where she did at the last meeting, she feels they have all worked together in the past and will be able to continue to do so as long as they can open the lines of communications.

Trustee Doug Schutte told Ms. Barnes that the communications could go both ways and told Trustee Holcomb that they had agreed at the October 22nd meeting to review the options for replacing Mr. McCague's Trustee position as a 3-1 majority, the official job of the Mayor is to appoint that replacement and it's not by a vote, so the agreement was, that once he became Mayor then we would make that decision together.

Mr. Schutte felt they were all moving in the same direction and that Mr. Holcomb suggested that they were not proceeding in good faith, and to have not someone with the capacity of Mr. McCague leading our Village, is appalling. Mr. Schutte feels that this is just a continuance of obstructionism.

Mr. Holcomb said the candidate who is interested did say they were not all headed in the same direction, he said two were in full agreement and there was one that was not interested at all.

Another fact Mr. Holcomb pointed out was that in the last two years and ten months, five people have left the Board and five people have come on, if there is another one appointed now, that will be eleven people in three years and that is too much turmoil and turn over, therefore he feels they should work as they have been.

Deputy Mayor McCague asked Mr. LaMancuso, am I deliberating if I ask you a question?

Mr. LaMancuso said, I don't think so, no.

Mr. McCague question was, is there any authority in a Trustee under New York State Law to appoint another Trustee to a vacant seat.

Mr. LaMancuso answered, no a Mayor does that.

Mr. McCague said, so that is strictly a Mayor's duty.

Mr. LaMancuso said that is my understanding.

Mr. McCague said, that is my understanding too, doesn't the Trustee seat have to be vacated before somebody else is appointed to that seat?

Mr. LaMancuso answered yeah.

Mr. McCague said, officially vacated, is that correct?

Mr. LaMancuso replied, right.

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Mr. McCague then asked Mr. LaMancuso, have I vacated the seat yet?

Mr. LaMancuso said no.

Mr. McCague said, then why would I appoint a Trustee to the seat that I haven't vacated?

Mr. LaMancuso said, you can't.

Mr. McCague replied with a thank you.

Ms. Barnes felt they would be discussing that and the agreement would be made before Mr. McCague would be vacating his seat. She is fearful that once Mr. McCague is put in the position as Mayor he would have all the authority to make that decision on his own and not have to listen to the opinions of the other Trustees.

Trustee McCague reiterated that the motion is clear and he planned to stick by it. He wanted to attempt to fill the seat by the next regular meeting and had reached out to all the Trustees asking for their recommendations and attempt to fill the seat by the next regular meeting. The next day everything went on hold when the vote was challenged so he did not move any further.

Ms. Ruth Wahl, 106 Winchester Rd., said the Board says they work together but what she is seeing is they are not working together and asked Ms. Barnes if she is accusing Trustee McCague as not being an honest person by not taking him at his word.

Ms. Barnes said she is not accusing Mr. McCague of being a dishonest man at all. There is a lack of transparency with the full Board. Committees are formed without she or Trustee Holcomb knowing anything about them. She feels as though they have not been included in what's going on. She feels there needs to be more communication and let everyone on the Board know things.

Mr. McCague added that everyone should be thanking the committees for all the hard work they do.

Trustee McCague told Ms. Barnes that she wants transparency from him but she isn't giving it back. He believes there is a double standard with Ms. Barnes. Deputy Mayor McCague asked Trustee Barnes what it is that she has produced other than to throw spit balls.

There were some difference of opinions discussed in connection to the cell tower and the water testing between the Trustees.

Trustee McCague noted Ms. Barnes is assuming that he will be just like the prior Mayor, he says he is not and he feels like he proved that after the last meeting when he reached out to all of the Trustees asking for them to bring him their recommendations for appointing a Trustee so they could talk about it.

Mr. John Jablonski, 213 Spruce St., spoke about how he feels there has been progress in the village and some great things are happening right now. Mr. Jablonski feels Mr. McCague has been in the forefront of all of it. He pointed out that what needs to be done now is for the entire board to put their heads together, start working together and get back on track.

Ms. Laura Smith, 241 Elmcrest Ave., let it be known that she feels shame and embarrassment as to where we are in this community right now, she feels everyone at the table is doing an outstanding job. She spoke about how this village needs to move forward and that all four Trustees need to get together and work it out. Our village needs to move forward.

Trustee Barnes asked Mr. LaMancuso if they could table appointing a Mayor right now and still be able to do it at a later date. Is there a legal reason to have to do it now?

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Mr. LaMancuso felt there was nothing in the law that said it has to be done today. It was his recommendation to do it soon since village government is designed to operate with five not four Board Members.

With no one else to be heard on the matter, Mr. McCague indicated there is a motion on the table.

RESOLUTION #139-2018 – TO APPOINT EDWARD J. MCCAGUE AS MAYOR FOR THE
VILLAGE OF LAKEWOOD

Motioned by Trustee Schutte, seconded by Trustee Holcomb to appoint Deputy Mayor Edward J. McCague as Mayor for the Village of Lakewood until December 31, 2018 and to also appoint Deputy Mayor Edward J. McCague as Mayor for the Village of Lakewood from January 1, 2019 to December 31, 2019 and with that being done Mayor Edward J. McCague would consult with the entire Village Board in the appointment of the new Trustee replacement and would make that placement with not less than a 3 to 1 vote.
2 ayes (McCague, Schutte), 2 nays, (Barnes, Holcomb)

Motion by Trustee Barnes, second by Trustee Holcomb, and unanimously carried the Board adjourned at 8:30 AM.

Mary B. Currie
Deputy Village Clerk