

NOVEMBER 13, 2018

The twenty-first regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Tuesday, November 13, 2018, 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, Village Treasurer Andrea J. Windoft, 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 Barnes, seconded by Trustee Schutte, to approve the minutes of the last regular meeting of the Board of Trustees, held October 22, 2018.

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

Motion by Trustee Holcomb, seconded by Trustee Schutte, to table the approval of the minutes of the Special Meeting of the Board of Trustees, held Friday, November 2, 2018, until such a time they are amended accordingly per the request of Deputy Mayor McCague.

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 October 31, 2018, [End of Month] be approved and that the Clerk shall execute said abstracts (# 22, & #23) and direct payment by the Treasurer. General Fund: \$ 7,156.07, (Checks #15306 thru #15309), Trust & Agency Fund: \$ 55,236.81, (Checks #4558 thru #4569)

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

Motion by Trustee Barnes, seconded by Trustee Schutte, that the claims as audited by the Auditing Committee of the abstracts dated November 13, 2018, be approved and that the Clerk shall execute said abstracts (#24 & #25) and direct payment by the Treasurer. General Fund: \$ 50,768.85, (Checks #15310 thru #15363), Trust & Agency Fund: \$ 56,515.15, (Checks #4570 thru #4578)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated that he, along with Village Treasurer Andrea J. Windoft and Village Clerk Joseph M. Johnson, met with officials from the Southwestern Central School District last week to discuss a draft agreement between the two entities regarding the joint vehicle refueling facility at 5 Packard Ave. Mr. Pilling indicated that once work on the draft agreement is completed, he would ask that Village Attorney LaMancuso review it prior to it being presented to the Board of Trustees for approval. Mr. Pilling added, once the facility's card reader is installed and some electric work is completed, the refueling station will be ready to be placed into service.

Mr. Pilling also reported that a portion of the New York Ave. right-of-way, abutting Chautauqua Lake, on which some dredged sediment from the lake had been deposited has been cleaned-up. He also wished to remind the various Village of Lakewood committees, to be sure they check with the Board of Trustees and/or the respective department heads before moving forward with specific projects. There is a question as to whether or not some recently planted trees might interfere with the T-Ball field located off Linwood Ave.

NOVEMBER 13, 2018 (CONTINUED)

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled seven thousand eight hundred fifteen incidents year-to-date, four hundred eighty-three of which occurred within the past three weeks. Chief Bentley also reported that since the last meeting Sgt. DePonceau attended a Police Supervisor Training seminar held in Jamestown, N.Y. and that Chautauqua County SWAT member Officer Lundsten attended an "active shooter" drill recently conducted at the Cummins Engine Plant.

Deputy Mayor McCague asked Chief Bentley if he has any issues in approving the extension of the current Border Patrol Augmentation Agreement between the Village of Lakewood and County of Chautauqua, which is item #7 under New Business on this evening's agenda.

Chief Bentley said the agreement has been discussed by members of the L-BPD, and the Board of Trustees is welcome to extend it, because it is a good example of inter-agency cooperation. Chief Bentley added it remains to be seen how often the L-BPD will elect to participate in the program.

Fire Chief Steve Smouse reported that the Lakewood Volunteer Fire Department responded to seventy-seven alarms during the month of September, and over eight hundred year-to-date. Chief Smouse also reported that he has requested two (2) premium quotes in connection with the mandated New York State Firefighter Cancer Benefit Program being offered to qualified interior-firefighters beginning January 1, 2019. Chief Smouse said he expects to receive the two (2) quotes prior to the next regular meeting.

Chief Smouse indicated as noted in item #1 under New Business, he and other LFD members will be travelling out to Sutphen Fire Apparatus, Dublin, Ohio Tuesday, November 20th to conduct a final inspection of the Aerial Ladder Truck, being purchased by the Lakewood Fire Co., Inc.

As previously reported the LFD was awarded a \$ 9,500.00 grant from New York State to upgrade the furnace units at the fire station and Chief Smouse indicated that the lowest bid/quote to replace two of the three units came-in at \$ 12,500.00.

Trustee Schutte asked Chief Smouse what will be done with the current aerial ladder truck and if it is sold, how much would its sale generate.

Chief Smouse said the Lakewood Fire Co., Inc. intends to sell the 1990 Aerial Ladder Truck and the revenue received will be deposited back into its truck fund. He said unfortunately our research tells us not to expect any more than \$ 75,000.00, because some newer used aerial ladder trucks have recently sold for less than that.

Village Treasurer Andrea J. Windoft reported that she recently received the Village of Lakewood's largest quarterly NYS Sales Tax payment, which totaled \$ 200,708.81. The payment represents an 8% increase, or approximately \$ 15,000.00, when compared with the corresponding quarter in 2017.

Mrs. Windoft also reported that she is in the process of finalizing the joint Village of Lakewood-Town of Busti \$100,000.00 Stormwater Management grant in connection with the Engineering Study Report prepared and submitted by Barton & Loguidice, D.P.C., Rochester, New York. She said the Village of Lakewood can expect a reimbursement of \$ 50,000.00.

Village Treasurer Windoft indicated that she and Trustee Holcomb recently met with some folks from the Borough of Youngsville, PA, who were very interested in establishing their own dog park. Following the meeting, which was held at Lakewood's Dog Park, Mrs. Windoft said they were very impressed and went back home with some great ideas and information, based on what it took to build our "Bark Park".

Deputy Mayor McCague asked Treasurer Windoft about the annual in-house audit done by the Auditing Committee and wondered if that had been done following the completion of the fiscal year 06/01/2017 – 05/31/2018.

NOVEMBER 13, 2018 (CONTINUED)

Village Treasurer Windoft indicated that the Auditing Committee, comprised of Trustee Barnes and Trustee Holcomb have conducted that in-house audit.

Deputy Mayor McCague then asked Treasurer Windoft if members of the Board of Trustees receive any kind of report in connection with that audit.

Treasurer Windoft indicated the NYS Comptroller's Office provides a standard format for those conducting the in-house audit to work from/with, and would be happy to copy each member of the Board of Trustees.

COMMITTEE REPORTS

Deputy Mayor McCague reported that members of the Zoning Committee attended a Model Solar Energy Local Law seminar, Thursday, October 25th, presented by New York State Energy Research & Development Authority (NYSERDA) and Southern Tier West.

Deputy Mayor McCague also reported that he and members of the Planning Board and Zoning Board of Appeals attended Southern Tier West's Fall Planning & Zoning Training, Thursday, November 8th. The training seminar touched on the duties of the Secretaries of Planning Boards and Zoning Boards of Appeals, how to best address vacant and blighted properties and the appropriate methods to enforce local zoning laws and regulations. Both seminars were held at Jamestown Community College.

Deputy Mayor McCague indicated as Chairman of the Implementation Committee, he would like to take a minute to discuss the grants for the Stormwater Management Projects, identified by Barton & LoGuidice, D.P.C., Rochester, N.Y. He then noted the grant for the Lowe Park and Chautauqua Ave. projects, is expected to be awarded by mid-December. He and fellow committee members would like to invite each member of the Board of Trustees to delve into those respective projects so as to have clear understanding of them prior to making a definitive decision, if in fact the Village of Lakewood is awarded the grant. To do so he would suggest that the Board of Trustees take a tour of the Chautauqua Institution's stormwater management system. He said if that isn't possible, Mr. John Shedd, AIA, Vice President of Campus Planning & Operations for the Chautauqua Institution, and Planning Board member, would be willing to walk the Board of Trustees through the tour via a series of photos. Mr. John Jablonski, Executive Director of the Chautauqua Watershed Conservancy, and Planning Board member, would be an excellent person to provide his expert opinions on stormwater management as they relate to these specific projects. Mr. Dave Hanney, Senior Managing Environmental Scientist, of Barton & Loguidice, D.P.C. would also like to make a final presentation to the Board of Trustees on the two stormwater management projects.

Deputy Mayor McCague said he has also been in touch with a representative from Municipal Solutions, who would like to appear before members of the Board of Trustees to provide an overview on the bonding process, should it become necessary.

Deputy Mayor McCague said he is proposing that members of the Board of Trustees do some "homework" on the subject prior to the awarding of the grant. If the Village of Lakewood is awarded the grant "we" will be in a much better position to move forward within the allotted timeframe. If everyone is agreeable to this grant review process, he will be happy to set the wheels in motion.

RESOLUTION #140-2018 – AUTHORIZE LFD TRIP FOR AERIAL LADDER TRUCK INSPECTION

Motion by Trustee Barnes, seconded by Trustee Schutte, for the Board of Trustees, acting as the Board of Fire Commissioners, to authorize the use of two Lakewood Fire Department vehicles, (C-371 & M-371), and up to eight LFD members to make the trip to Sutphen Fire Apparatus, Dublin, Ohio, on November 20th, to conduct a final inspection of the used/demonstration model Aerial Ladder Truck to be purchased by the Lakewood Fire Company, Inc., per the request of Fire Chief Smouse.

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

NOVEMBER 13, 2018 (CONTINUED)

RESOLUTION #141-2018 – OFFICIALLY CANCEL CHRISTMAS IN THE VILLAGE EVENT

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to go on record to officially cancel this year's Christmas in the Village event, which had previously been held on the second Saturday in December for the past two years.

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

RESOLUTION #142-2018 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Schutte, to set 6:40 PM, Monday, November 26, 2018, as the time and date for the Board of Trustees to conduct a public hearing to review a Special Use Permit application as submitted by Dipson Theaters, Inc., Williamsville, N.Y., regarding their desire to sell and serve alcoholic beverages (beer, wine & cider) at Lakewood Cinema 8, 175 West Fairmount Ave. NOTE: In accordance with Section #25-14, (C), #14, [Highway Business (B-2) District], of the Village of Lakewood Zoning Law, the establishment of a Bar in a B-2 Zoning District, requires a Special Use Permit.

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

RESOLUTION #143-2018 – AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing the Chautauqua Striders Athletic Club, Jamestown, N.Y., to make use of village streets on which to conduct their 2018-2019 Winter 5K Series of races. The scheduled race dates are January 5th, January 12th, January 19th, January 26th and February 2nd.

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

RESOLUTION #144-2018 – AUTHORIZE FUND TRANSFER

Motion by Trustee Schutte, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 2,078.15, from Trust & Agency Account T1037.40, [Tree Foundation Revenue], to Account A-8510.41, [Community Beautification-Trees], to pay for the fall tree plantings carried out by Bruce E. Robinson, Inc., Jamestown, N.Y. NOTE: The Village of Lakewood received a \$ 2,000.00 grant from the Chautauqua Region Community Foundation to help fund such projects.

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

RESOLUTION #145-2018 – APPROVE NEW LFD MEMBER & ACCEPT RESIGNATION

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees, acting as the Board of Fire Commissioners, to approve Mr. Dominic Certo, 16 Owana Way, as a new member of the Lakewood Fire Department and to accept with regret, the resignation of long time LFD member and former Fire Chief David Norberg.

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

RESOLUTION #146-2018 – APPROVE BORDER PATROL AUGMENTATION AGREEMENT

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to approve the extension of the existing agreement between the Village of Lakewood and the County of Chautauqua regarding Border Patrol Augmentation/Homeland Security measures and to authorize Deputy Mayor Edward J. McCague to execute the same.

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

NOVEMBER 13, 2018 (CONTINUED)

RESOLUTION #147-2018 – SUPPORT SWCS STUDENT COUNCIL SERVICE PROJECT

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to support the Southwestern Central High School Student Council's upcoming service project whereby cold weather accessories, (i.e. winter hats, gloves, socks, scarfs) will be collected by its members and made available to those less fortunate.

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

ANYONE TO BE HEARD

Mrs. Jane Gesing, 103 Lakeview Ave., appeared before Deputy Mayor McCague and the Board of Trustees and requested a copy of the Village of Lakewood Board of Trustees By-Laws. She said, as a resident who has attended her share of Village Board meetings, she is not happy that the current Board of Trustees is comprised of just four individuals. Mrs. Gesing then asked what happens if a major decision needs to be made and the vote results in a two-two tie. She also wondered if the By-Laws addresses the question, how long can a Village be managed without a Mayor.

Mr. Phillip "Flip" Yates, 9 Oakland Ave., asked, is the stormwater grant discussed earlier in the meeting connected to the Lowe Park & Chautauqua Ave. projects.

Deputy Mayor McCague indicated there are two projects on the table regarding the stormwater management grant that the Village of Lakewood has applied for. One being the Lowe Park project and the second, the project geared toward Chautauqua Ave. He said if the Village of Lakewood is awarded the grant, public input will be considered when deciding whether or not to accept the grant.

Mr. Griffith Jones, 144 West Summit Street, indicated he too, would like a copy of the Village of Lakewood Board of Trustees By-Laws.

Mr. Greg Carr, 2 Crystal Ave., out of curiosity, asked, did anyone see the recent video regarding the weed mass and subsequent fish kill that is taking place right now in Burtis Bay. Mr. Carr then asked if there will be any funding available to address this problem going forward. He said if lakeside communities and lake minded agencies don't come together to solve this problem, it is going to be too late. Thousands of fish have recently died in the south end of the lake.

Deputy Mayor McCague indicated the video Mr. Carr referenced is certainly disturbing, however the various lake organizations are working on a plan to address this major problem. He noted that the Village of Lakewood has no say of what goes on outside its own jurisdiction, however this board is very concerned of what happens along Lakewood's shorelines. He said when it comes time to prepare next year's budget, the allocation of funding to address lake issues will need to be discussed & approved. At that time residents will have a say in how much money is appropriated. Deputy Mayor McCague said the lake weed issue is a major problem that is way beyond what the Board of Trustees and the Village of Lakewood can do to solve it. He believes the Village of Lakewood would be willing, with taxpayer approval, to do what it can to assist, by working with the various lake agencies in addressing this problem.

Mr. Carr then asked is there anyone local who is empowered to reach out to New York State for assistance.

Deputy Mayor McCague indicated to Mr. Carr that he believes there are officials from Chautauqua County and from the various lake organizations that have or will be reaching out to the New York State Department of Environmental Conservation for assistance and guidance concerning this matter.

NOVEMBER 13, 2018 (CONTINUED)

Trustee Barnes indicated that New York State hasn't been very forthcoming with financial assistance when it comes to dealing with the health of Chautauqua Lake. As a member of Chautauqua County's Lake Management Committee, Trustee Barnes said we, as a committee, are just collecting the facts and we're hopeful there will be some encouraging news to share sometime soon.

Mr. Bruce Erickson, 9 Stoneman Ave., said he would like to offer some clarification on the situation in Burtis Bay. He said the fish kill in Burtis Bay is taking place because of a depleting oxygen level in the lake water, caused by the rotting weeds in the lake and the situation is compounded because the water depth in the south basin so shallow.

Deputy Mayor McCague indicated that we in the Village of Lakewood are fortunate to have two of its Board of Trustees members, as members of two of the lake agencies. Deputy Mayor McCague said he is a member of the Chautauqua Lake & Watershed Management Alliance while Trustee Barnes is a member of the newly formed Chautauqua County's Lake Committee.

Mrs. Joyce Rose, 42 Gifford Ave., said she attended a recent lecture at the James Prendergast Library in Jamestown, N.Y., by Dr. Gregory Boyer, Director of the New York's Great Lakes Research Consortium, who spoke about harmful/toxic algal blooms. This particular problem is something that has plagued Chautauqua Lake in recent years. She encouraged everyone to read the wonderful article on the lecture, in last Thursday's edition of The Post-Journal, written by Eric Zavinski.

Trustee Barnes asked Mr. Bruce Erickson, to his knowledge, does a thick lake ice pack over a given winter have an impact on how severe the weed growth is the following summer.

Mr. Erickson said he would like to touch on two things. He said because the Chautauqua Lake Association curtailed its harvesting operations in the South Basin earlier than usual this year, the weeds that were there, were pushed, root balls and all, by the high winds and wave action into the Burtis Bay area of the lake, creating the thick weed mass. He said the lake weeds this year haven't been this bad since 2007. Mr. Erickson said it is his understanding that County Executive Borrello is seeking some emergency funding to help address the lake issues.

Mr. Erickson said because the lake's ice pack this year "went-out" in March, sunshine was able to get to the bottom of the lake earlier than usual. With a low lake level it created a "perfect storm" for weed growth. He said if the ice stays until mid-April and a proper water level is maintained, there is a chance the weed growth won't get such a head start. The whole subject on weed growth in the lake is a moving target and difficult to predict.

Deputy Mayor McCague said there were two things that stood out in Dr. Boyer's recent lecture at the Prendergast Library. One, stormwater management is key to the health of Chautauqua Lake. Fortunately the Village of Lakewood/Town of Busti has already gone forward with the Joint Stormwater Management Engineering Study Report which identified two projects. If implemented, these projects could be important to the future health of the lake. He noted that the Village of Lakewood/Town of Busti were the lead communities in having a stormwater study done and right now the Town of Chautauqua is working on a very similar stormwater study, using the same consulting firm.

He said another subject that Dr. Boyer spoke to during his lecture was global warming and how it could impact the various ecological cycles within the lake. If so, new challenges will be presented and we as a lakeside community will need to be able adapt our policies and procedures accordingly. Deputy Mayor McCague said the Village of Lakewood will do everything we can to be part of the solution.

Motion by Trustee Holcomb, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 7:16 PM

Joseph M. Johnson
Village Clerk

