

NOVEMBER 13, 2019

The twenty-first regular meeting of the Board of Trustees of the Village of Lakewood was held Wednesday, November 13, 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, Fire Chief Steve Smouse and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Holcomb, to approve the minutes of the last regular meeting of the Board of Trustees, held October 28, 2019.

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 November 13, 2019 be approved and that the Clerk shall execute said abstracts (#25 & #25), and direct payment by the Treasurer. Trust & Agency Fund: \$ 44,121.79, (Checks #16325 thru #16326), General Fund: \$ 153,953.87, (Checks #16327 thru #16374)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the DPW's annual leaf pick-up was going along well until it was abruptly halted with the recent snow fall. Mr. Pilling indicated that if the weather improves to the point where some of the snow melts, crews could resume the leaf pick-up next week.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled seven thousand nine hundred eighteen incidents year-to-date, three hundred ninety-eight of which occurred since the last regular meeting.

Chief Bentley also reported the L-BPD successfully conducted a night firing range training session at the Lakewood-Busti brush dump, located on Hoag Road, last week. He then noted that an L-BPD patrol car, (2017 Dodge Charger), while in for service at Dave Warren Chrysler-Dodge-Jeep-Ram, Jamestown, N.Y., sustained smoke and considerable water damage following a small fire that broke out at the auto & truck dealership the evening of November 2nd. The initial report from the dealership's insurance adjuster indicated the patrol car will likely be "totaled". Chief Bentley said in addition to the vehicle being replaced, any and all equipment in or on the vehicle will have to be included in the insurance settlement. The only question that Chief Bentley had was, whether or not the Village of Lakewood will have to request sealed bids for the replacement vehicle.

Village Attorney LaMancuso indicated to Chief Bentley that if the amount to be spent on a new vehicle exceeds the dollar threshold with respect to competitive bidding practices, the Village of Lakewood will be required to request sealed bids.

Deputy Mayor McCague agreed, saying if a cash settlement is received for the loss, the Village of Lakewood will still have the responsibility to seek bids for the replacement vehicle.

NOVEMBER 13, 2019 (CONTINUED)

Fire Chief Steve Smouse submitted the LFD Alarm Report for the month of October and noted the Lakewood Volunteer Fire Department responded to eighty-six alarms last month and nine hundred thirty-six alarms year-to-date, which breaks the record of nine hundred twenty-two set in the calendar year 2018. Chief Smouse said the LFD continues to be very busy and so far today, we've responded to ten alarms.

Building Inspector/Code Enforcement Officer Jeffrey A. Swanson said there are no signs of any slowdown in the Building Inspector's office, with applications and plans being submitted on a regular basis. Mr. Swanson reported he attended a seminar at Jamestown Community College last Thursday which among other things included a discussion on regulating telecommunications facilities. Part of the discussion touched on Federal Communication Commission (FCC) rules for setting a fee schedule for 5G telecommunication facilities. Mr. Swanson recommended that the Village of Lakewood seriously consider adopting the fee schedule as established by the FCC in regulating 5G telecommunication facilities.

COMMITTEE REPORTS

Trustee Holcomb was pleased to report that earlier today he received correspondence from New York State Energy Research & Development Authority (NYSERDA) stating the Village of Lakewood has a deliverable approved and milestone approved in connection with its street lighting fixture "change-out" program.

RESOLUTION #172-2019 – ACCEPTANCE OF ROADS – VILLAGE OF LAKEWOOD

WHEREAS, Crystal Avenue, Hern Avenue, Packard Way, Trade-Co Alley, Sales Alley, Kolby Alley, Busti Alley, Jenkins Alley and Bucket Alley are public roadways within the boundaries of the Village of Lakewood, and;

WHEREAS, the Village of Lakewood Highway Department has been maintaining certain sections of these roads for over twenty (20) years, and;

WHEREAS, roads maintained for over twenty (20) years become existing roads by use whether or not they have been deeded to the Village of Lakewood, and:

WHEREAS, the Village of Lakewood Highway Superintendent has recommended that certain sections of these roads be accepted by the Village of Lakewood, NOW THEREFORE BE IT RESOLVED;

Motion by Trustee Barnes, seconded by Trustee Schutte, stipulating that the Village of Lakewood accept the following sections of roads as public roads and that the Village of Lakewood Highway Department assume all maintenance and repair responsibilities for the following sections of roads:

1. Crystal Ave., from East Terrace Ave. to East Terrace Ave. (.11 miles)
2. Hern Ave., from West Fairmount Ave. to Winchester Road (.20 miles)
3. Packard Way, from West Lake St. to Trade-Co Alley (.14 miles)
4. Trade Co Alley, from Owana Way to Chautauqua Ave. (.08 miles)
5. Sales Alley, from Third St. to East Summit St. (.04 miles)
6. Kolby Alley, from Sales Alley to Dead End (.12 miles)
7. Busti Alley, from Chautauqua Ave. to East Second St. (.16 miles)
8. Jenkins Alley, from East Second St. to Dead End (.04 miles)
9. Bucket Alley, from West Summit St. to West First St. (.12 miles)

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

NOVEMBER 13, 2019 (CONTINUED)

RESOLUTION #173-2019 – APPROVE EMPLOYEE HEALTHCARE PLAN FOR 2020

Motion by Trustee Holcomb, seconded by Trustee Barnes, for the Board of Trustees to approve the Univera Healthcare Plan – Access Gold 2/SPI3, as the healthcare plan for eligible Village of Lakewood employees for the calendar year beginning January 1, 2020.

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

RESOLUTION #174-2019 – SET TIME AND DATE FOR PUBLIC HEARING

Motion by Trustee Schutte, seconded by Trustee Barnes, to set 6:40 PM, Monday, November 25, 2019, as the time and date for the Board of Trustees to conduct a public hearing on the Special Use Permit application-Bar, as submitted by Mr. & Mrs. Bruce E. Stanton, 19 Webster Street, regarding plans to re-establish a restaurant/bar at 60 Chautauqua Ave., (former Craft Burgers & Brews location).

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

RESOLUTION #175-2019 – AUTHORIZE TRANSFER OF FUNDS/BUDGET ADJUSTMENTS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make necessary budget increases to the 2019-2020 budget's Estimated Revenues and Appropriations in the amount of \$ 63,329.00, regarding the New York Main Street Grant funds received and disbursed. Trustee Schutte wished to express his appreciation to Deputy Mayor McCague and commended him for seeking and seeing this particular grant through from the beginning. The work done by grant participants thus far and work yet to be done, will have a positive impact on the business community along Chautauqua Ave., our Main Street. With Trustee Barnes agreeing, Deputy Mayor McCague said he appreciated Trustee Schutte's comments.

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

RESOLUTION #176-2019 – AUTHORIZE BUDGET TRANSFERS

Motion by Trustee Holcomb, seconded by Trustee Schutte, to authorize Village Treasurer Apryl L. Troutman to transfer \$ 1,000.00 from General Fund Account A1990.40, [Contingent], into General Fund Account A8020.40, [Planning], to pay Clinton Brown Company Architecture, p.c. for Grant Administrative Services, in connection with the New York Main Street Grant Program.

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

ANYONE TO BE HEARD

Town of Busti Supervisor Jesse Robbins wished to let members of the Board of Trustees know that the Town of Busti, which also participated in the NYSERDA grant program in replacing its street lighting fixtures, has received all of the funding that was earmarked for this project. He noted although it involves some paperwork and takes time to receive the funding, the project was well worth it.

Mr. David Card, 38 Chautauqua Ave., wanted to let the Board of Trustees know that this year's Christmas in the Village (CITV) event will be held 10:00 AM – 3:00 PM, Saturday, December 14th.

Deputy Mayor McCague told Mr. Card if the CITV committee should require any assistance from the Village of Lakewood, to please let us know.

NOVEMBER 13, 2019 (CONTINUED)

RECESS

Motion by Trustee Barnes, seconded by Trustee Holcomb, for the Board of Trustees to recess the regular meeting at 6:49 PM, so as to enter into executive session to discuss ongoing litigation.
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, Building Inspector/Code Enforcement Officer Jeffrey A. Swanson and Village Clerk Joseph M. Johnson. Motion by Trustee Schutte, seconded by Trustee Barnes, to adjourn the executive session at 7:26 PM and to reopen the regular meeting.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #177-2019 – REFER ZONING MATTER TO ZBA FOR INTERPRETATION

Motion by Deputy Mayor McCague, seconded by Trustee Schutte, directing Building Inspector Jeffrey A. Swanson to refer for a second time, a Village of Lakewood Zoning Law enforcement question, regarding the 6 ft. high stockade type fence that was erected between the properties known as 19 Owana Way and 15 Owana Way, to the Zoning Board of Appeals for their interpretation, provided a quorum of impartial members can convene at their next regular meeting to be held Thursday, December 12, 2019.
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

Motion by Trustee Schutte, seconded by Trustee Holcomb, and unanimously carried, the Board adjourned at 7:28 PM.

Joseph M. Johnson
Village Clerk