

JANUARY 23, 2017

The twelfth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, January 23, 2017 at 6:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, Susan F. Drago, Randall G. Holcomb and Edward J. McCague. 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, Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson.

#### MOMENT OF SILENCE

Mayor Birrittieri said it is with a heavy heart to ask those in attendance to join her and the Board of Trustees in observing a moment of silence for the recent Southwestern Central School graduate who died as a result of a tragic motor vehicle accident earlier in the day. The thoughts and prayers of the entire community go out to this young man's family.

#### APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee McCague, to approve the minutes of the last regular meeting of the Board of Trustees, held January 9, 2017. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

#### AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Drago, that the claims as audited by the Auditing Committee of the abstracts dated January 23, 2017, be approved and that the Clerk shall execute said abstracts (#2, #35 & #36) and direct payment by the Treasurer. Capital Fund: \$ 104,054.17 (Check #13425), Trust & Agency Fund: \$ 61,599.92 (Checks #4001 thru #4013), General Fund: \$ 133,952.03, (Checks #13424 thru #13466) Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

#### REPORTS

Mayor Birrittieri said because the Village of Lakewood is currently involved with a few grants, she believes it would be a good idea to create a Grant Committee which would be made up of two Trustees and citizen volunteers. The committee would be responsible for keeping track of grants as they evolve through the application process, to payout, to completion and to search for new grant opportunities. This committee would also work in concert with the Comprehensive Plan Implementation Committee and other departments or local organizations which are seeking grant assistance. Mayor Birrittieri said if at all possible she would like to appoint this committee at the next regular meeting of the Board of Trustees.

Mayor Birrittieri indicated that the Events & Marketing Committee is in search of a co-chair and secretary for the upcoming calendar year. At their most recent meeting the musical lineup for the 4<sup>th</sup> of July Summerfest and Live on the Lake summer concert series was discussed. Mayor Birrittieri also said

there was some interest in possibly holding two smaller events in 2017, a Wellness Day in the spring and a History Day in the fall.

Mayor Birrittieri said she has something special to add to her report this evening. Having had the pleasure of attending the Lakewood Fire Department's awards banquet last year at which its volunteers were recognized, she thought it would be a great idea to recognize the Village of Lakewood's other volunteers who have worked so hard over the past year.

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Mayor Birrittieri said she and her husband A. Jackson Smith purchased and donated the perpetual plaque that will be on display in the village hall. On the face of the plaque is a quote by Sir Winston Churchill, "We make a living by what we get, we make a life by what we give." Mayor Birrittieri said she is proud to announce that the first two names on the plaque will be Edward J. "Ted" McCague and Scott Mekus.

Mayor Birrittieri indicated Mr. McCague, who was recently appointed Trustee/Deputy Mayor has worked tirelessly the past two years in bringing the Comprehensive Plan to adoption and onto its implementation phase. Mr. McCague has spent countless hours in preparing this document, which will definitely stand the test of time.

Mayor Birrittieri said Mr. Mekus has been the mastermind behind all of the planning that went into the 4<sup>th</sup> of July Summerfest and Christmas in the Village this past year. Mr. Mekus has also worked tirelessly in marketing the Village of Lakewood to the rest of the area. The detail with which he plans events is amazing. Mayor Birrittieri said he has made the Village of Lakewood proud.

Mayor Birrittieri said she has individual gifts for the volunteers, the glass trophy for Mr. McCague is engraved with the saying, "The brightest stars are those who shine for the benefit of others." while the glass trophy for Mr. Mekus is engraved with the saying, "Those who can, do, those who can do more, Volunteer."

Department of Public Works Supervisor Thomas R. Pilling asked Mayor Birrittieri and the Board of Trustees for permission to sell the 1991 International Dump Truck & the 1998 International Dump Truck and to advertise them on a nationwide auction site called Auction International. Mr. Pilling said he will gather information on the process to do so and share it with the Board of Trustees at the next regular meeting.

Trustee Barnes indicated to Mr. Pilling the road surface along East Summit Street has deteriorated creating a number of pot holes. She wondered if there are plans to resurface that stretch of roadway in the spring.

Mr. Pilling said he would have to check with the Chautauqua County Department of Public Facilities in that they maintain Summit Street, also known as County Highway #110.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has handled six hundred seventy reportable incidents year-to-date so 2017 is starting off very steady. Chief Bentley also reported that the L-BPD was a co-applicant in a countywide \$ 74,850.00 grant that was recently awarded, with the L-BPD on the receiving end of \$ 13,560.00. The grant monies are to

be used to purchase enhanced protective equipment such as updated vests and helmets for local law enforcement agencies.

Chief Bentley also reported that he has found a candidate to fill the vacant part-time Police Office position. He said the individual is former L-BPD part-time Police Officer Douglas P. Goodwin. Chief Bentley indicated Mr. Goodwin had worked for a number of years in law enforcement in the state of Florida, but has decided to move back to the area. Chief Bentley said with the Board of Trustees' permission he would like to hire Mr. Goodwin at a slightly higher per hour wage of \$ 17.49, taking into account his twenty years of experience in law enforcement.

RESOLUTION #10-2017 - APPROVE HIRING OF PART TIME POLICE OFFICER

Motion by Trustee Barnes, seconded by Trustee Holcomb, per the recommendation of Police Chief John R. Bentley, to approve the hiring of Douglas P. Goodwin, Jamestown, N.Y., as a part-time Police Officer for the Lakewood-Busti Police Department effective February 1, 2017. Officer Goodwin will be filling the vacant part-time position and will be compensated at a rate of \$ 17.49/hr. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

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RECESS

Motion by Trustee Holcomb, seconded by Trustee Drago, to recess the regular meeting so as to conduct a previously scheduled public hearing. Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

PUBLIC HEARING: 6:45 PM  
SPECIAL USE PERMIT APPLICATION  
SALE & CONSUMPTION OF ALCOHOLIC BEVERAGES  
WELLS' HOG WILD BBQ  
140 WEST FAIRMOUNT AVE.

Mr. Dean Wells, Owner/President of Wells Hog Wild BBQ Co., Warren, PA, has submitted an application for a Special Use Permit regarding plans to utilize the building and property at 140 West Fairmount Ave as a restaurant at which he intends to sell and serve alcoholic beverages. In accordance with Section #25-6, [Definitions] and Section #25-14, (C-14), [Highway Business (B-2) District], a Bar is defined as any establishment, however designated, at which alcohol is sold for consumption on premises as a primary use to twenty-five (25%) or more of the patrons [minimum of ten (10)] on a regular basis. A restaurant that caters to the sale of alcoholic beverages at certain portions of the opening hours shall be considered to be a dual use restaurant/bar for the purposes of this local law, thus requiring a Special Use Permit. The Special Use Permit application and related information concerning Mr. Wells' proposal may be examined at the Village Clerk's Office, 20 West Summit Street, Lakewood, New York during regular business hours, 8:00 AM - 5:00 PM, (M-F).

Mayor Birrittieri opened the public hearing at 6:45 PM and asked Mr. Wells to briefly explain his proposal.

Mr. Wells indicated Hog Wild BBQ is an award winning southern barbeque business and has participated in the Village of Celoron's Annual Rib

Festival the past three or four years. Mr. Wells said he has purchased the Taste of India restaurant, 140 West Fairmount Ave., which is expected to remain open through February. Mr. Wells indicated the Hog Wild BBQ restaurant will be open year around and in addition to barbeque pork, the menu will include charbroiled steaks, burgers and flat bread pizzas. Mr. Wells said he has applied for a beer and wine license adding he isn't interested in having a bar or serving mixed drinks. Hours of operation are 11:00 AM until 9:00 PM, Tuesday, Wednesday, Thursday and Sunday and 11:00 AM until 10:00 PM Friday and Saturday. Mr. Wells said he will be the General Manager and that the number of people employed should range between ten and fifteen.

Mayor Birrittieri asked Mr. Wells how long has he been in the restaurant business.

Mr. Wells said his seasonal restaurant in Warren has been open for three years however he has been in the catering business since 2005. Mr. Wells said he has been looking to expand into Chautauqua County for some time and just happened to find the right place at the right time. He is hoping to open the restaurant sometime in April. With a restaurant already in place, any improvements will only be cosmetic in nature.

Building Inspector/Code Enforcement Officer Jeff Swanson said one of the questions he has about the operation pertains to the meat smoker that Mr. Wells is expected to utilize. With that in mind Mr. Swanson said he took the liberty to ask for information regarding the type of smoker to be used. Basically the smoker is going to be like a wood pellet stove that isn't expected to put-off hardly any smoke or emissions. Mr. Swanson said in speaking with Mr. Wells, the smoker is only going to be use on a limited basis. It is not like the smoker is going be in use all day every day.

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Mr. Wells said typically they operate the smoker three days per week, noting that when it is operational, meat is smoked in bulk. Mr. Wells indicated the smoker is about the size of a small refrigerator and as Mr. Swanson said smoke and emissions from them are minimal. The smokers are very well insulated and only food grade wood pellets, which don't contain any filler, are used. Mr. Wells said the actual fire pot within the smoker is very small and generates very little smoke. The smokers are designed to heat-up to a certain temperature and stay at that temperature. Mr. Wells said he has already reached out to the Chautauqua County Health Department and made them aware of his plans to operate an out-door meat smoker. Mr. Wells said prior to being able to open, the entire restaurant operation will need to pass an inspection by the local health department.

Building Inspector Swanson indicated according to the diagram, the smoker will be located behind or on the north side of the restaurant.

Mayor Birrittieri asked Mr. Wells what were his plans regarding signage.

Mr. Wells said he plans on utilizing the same sign frame and support that is currently in place for the Taste of India restaurant. It will be just a matter of having a local sign company developing and installing a new sign face for each side.

Mr. Martin Dinday, co-owner of the Fairmount Motel next door at 138 West Fairmount Ave., said he is very concerned about the smoke and other emissions that will be generated by the smoker. Mr. Dinday said he and fellow co-owner Mr. Robert Maines both have pulmonary function issues and will be directly downwind from the smoker. Mr. Dinday indicated if there is going to be smoke his customers will likely not want to stay.

Mr. Maines said he suffers from emphysema and only has 20% lung capacity. Any smoke at all is going to be difficult for him to physically cope with. He said they have owned the motel for thirteen years and have a lot of repeat customers, who aren't going to return if the motel rooms smell of barbeque smoke. Mr. Maines said he doesn't cook on his own grill anymore because of the smoke it creates.

Mr. Dinday said he and Mr. Maines don't wish to be prisoners in their own home/business.

Mr. Wells said he understands the concerns of Messrs. Dinday and Maines and would be willing to demonstrate the smoker if members of the Board of Trustees have questions as to how much smoke it emits.

Mr. Craig Seger, 31 Winchester Road, said with all due respect to Messrs. Dinday and Maines, his wife in doing an article for The Legend, spoke at length with Mr. Wells earlier today and it appears their BBQ restaurant operation is going to be an amazing addition to the Village of Lakewood. Mr. Wells and his staff are very professional and having seen smokers similar to the one described, said the amount of smoke generated is minimal. Mr. Seger said he would hate not to see Mr. Wells' business proposal succeed.

Mayor Birrittieri said the application before members of the Board of Trustees is for a Special Use Permit to allow the sale and consumption of alcoholic beverages on the premises of the proposed restaurant/bar at 140 West Fairmount Ave., adding she understands the concerns of the neighbors.

Building Inspector Swanson indicated that a restaurant in this zoning district is a use by right and agreed with Mayor Birrittieri saying all the Board of Trustees is acting on this evening is the Special Use Permit application dealing with the sale and consumption of alcoholic beverages.

Mr. Wells said a char broiler would likely generate more smoke than the smoker he intends to use. He then noted that he has never had a problem with neighbors or city officials regarding his smoker operation in Warren, PA.

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Mr. Maines, said he is personally against drinking and driving and that he has been sober for thirty-four years.

With no one else to be heard Mayor Birrittieri closed the public hearing at 7:04 PM and proceeded to reopen the regular meeting.

#### RESOLUTION #11-2017 - APPROVE SPECIAL USE PERMIT APPLICATION

Motion by Trustee Holcomb, seconded by Trustee McCague, to grant/approve the Special Use Permit application as submitted by Mr. Dean Wells, Owner/President of Wells Hog Wild BBQ, Co., Warren, PA, whereby he will be

allowed to sell and serve alcoholic beverages at his proposed Hog Wild BBQ restaurant, 140 West Fairmount Ave. in accordance with Section #25-6, [Definitions] and Section #25-15, (C-14), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law.

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

#### REPORTS (CONTINUED)

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to forty-six alarms year-to-date, thirty of which have occurred since the previous meeting. Chief Hallberg also reported that during the recent snow melt and rain event the department was called upon to pump out six basements.

Mr. William F. Chandler, 207 West Summit Street said his was one of the six basements that were recently pumped out by the LFD and he just wanted to thank Chief Hallberg and the volunteers for the wonderful job they did.

Village Treasurer Andrea J. Windoft reported that she recently received the Village of Lakewood's share of the Town of Busti Court fees and fines that were collected in the third quarter of 2016, in the amount of \$ 8,620.00. She also received \$ 5,000.00 from the Town of Harmony, which was the purchase price for the 1990 International (Salt) Truck. Mrs. Windoft said she will hold the \$ 5,000.00 in a Trust & Agency Account which will eventually be used towards the purchase of a 10-wheeled dump truck for the Department of Public Works. Treasurer Windoft said she has been very busy with end of year and quarterly reports, plus preparing the employees' W-2 forms. Treasurer Windoft said in conclusion, she is happy to report that the Village of Lakewood has made its final Bond Anticipation Note payment on the used Elgin streets sweeper.

Building Inspector Jeff Swanson said he has compiled and submitted the Building Department's annual report for 2016 indicating thirty-three building permits were issued and fees collected totaled \$ 15,147.00, while nineteen zoning permits were issued and fees collected totaled \$ 2,590.00. He noted the fees collected don't include the public hearing fees.

Mr. Swanson said there is an idea being considered by area code enforcement officers. Instead of fining a property owner for not applying for a building or zoning permit, impose an additional fee to the building or zoning permit when the property owner does apply. Mr. Swanson said fines are levied by the local court while the additional fees would be assessed by the local building inspector.

Mayor Birrittieri asked Mr. Swanson how often does he encounter construction going on without the benefit of a permit.

Mr. Swanson said within the village its very sporadic, however out in the more expansive township, where properties are more isolated, the situation occurs much more often. In some cases individuals don't realize they need a building permit for certain projects.

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Switching topics, Mr. Swanson indicated there are a few issues with this building that need to be addressed immediately. They include remedying the flooding of the Lakewood-Busti Police Department's car bay, installing ground

faults on all the electrical outlets and repairing the man door on the south end of the police car bay. Mr. Swanson said there needs to be a point of contact to whom any and all building shortcomings can be reported. Mr. Swanson respectfully asked members of the Board of Trustees to appropriate the necessary money to correct the floor drainage system in the police car bay sooner rather than later.

Trustee Barnes indicated that after speaking with Village Treasurer Windoft there is money in the contingency that could be used to address the problems in the police car bay.

D.P.W. Supervisor Pilling indicated he has previously priced out materials to correct the police car flooding problem only for it to be removed from his budget. The materials have been estimated at \$ 5,000.00 and \$ 15,000.00 for labor, taking into account the prevailing rate for labor costs.

Mayor Birrittieri suggested that the Village of Lakewood get a few cost estimates to have an idea what the scope of the project is.

Trustee Holcomb asked Mr. Swanson if he has compiled a list of projects for this building that need attention.

Mr. Swanson indicated he has talked with members of the Building Committee and said Trustee Barnes will likely note some of his concerns in her committee report later this evening.

Trustee Holcomb then suggested that the Mayor and Deputy Mayor be considered as the points of contact when it comes to any situations that may arise with this building.

Trustee McCague indicated that when he and others reviewed the issues with the police department portion of the building there are certain things that demand immediate attention, namely correcting the police car bay flooding problem by draining the storm water away from the building. Trustee McCague also said there are some longer range issues with the structure of the building that might require evaluation by an engineer and/or architect.

Mr. Swanson said this matter will be mentioned in the upcoming Building Committee's report.

Mr. Swanson said enough of the bad news. The good news is the Village of Lakewood has completed three of the four required High-Impact Actions as a Clean Energy Community to qualify for a New York State Energy Research & Development Authority (NYSERDA) Grant. The three High-Impact Actions that have been submitted are Establish Benchmarking Requirements, Training Requirements and Adopt the Unified Solar Permit. The remaining action the Village of Lakewood has decided upon is Clean Fleets, that requires the installation of two (2) EV (Electric Vehicle) charging stations, which are currently on order. The only question remaining is where will be the best place to install the charging stations.

Mayor Birrittieri asked Mr. Swanson if the charging stations could be installed at two (2) separate locations and if NYSERDA has given him any idea on the turnaround time on the grant monies if awarded.

Mr. Swanson said he hasn't seen anything saying the charging stations couldn't be in separate locations, however there would be separate

installation costs. It just needs to be decided what location would be best suited for them.

Mr. Swanson said he hasn't been given any indication of the timeframe when qualifying municipalities would receive their NYSERDA funding however it isn't too soon to start to take a serious look at what energy saving projects the Village of Lakewood might wish to undertake with the monies.

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Trustee Barnes said although electric powered cars are few and far between she suggested that the Village of Lakewood look into incorporating a method for motorists to pay for recharging their vehicles by credit card at the charging station.

Mr. David G. Bargar, 11 Sunset Ave., said the Village of Lakewood should show others that they are a progressive and energy conscious community. To locate the new charging stations out of site would defeat their purpose. He suggested locating the new charging stations somewhere very visible and very accessible to the public.

Trustee Barnes said it is important to determine a suitable location for the charging stations so the Village of Lakewood may proceed with the grant application process. If the location is the Village Hall, it might be a good idea to have a surveillance camera put into place for security purposes.

Trustee Holcomb suggested the west side of the police department, off Vista Way. The location would be visible and very accessible. He then thanked Mr. Swanson for getting the Village of Lakewood to this point in the NYSERDA grant process.

Mayor Birrittieri said getting back to this building's shortcomings as reported by Mr. Swanson, namely the man door and drainage problem in the police car bay, who is going to request the cost estimates.

Mr. Swanson indicated that subject will be addressed in an upcoming committee report.

Trustee Drago, acting as the liaison with the Lakewood Memorial Library reported the Village of Lakewood and the library are very close to finalizing a contract agreement between the two entities. Trustee Drago said there are a couple of unfinished points of the contract that are still up for discussion. One point calling for updating the library's computers annually the other being the library wanting the Village of Lakewood to appropriate a percentage of its annual budget versus an amount requested in accordance with its estimated expenses.

Trustee Barnes, Building Committee Chairperson, reported last week at the request of Building Inspector Swanson, Mr. Peter Radka, P.E., of Rock Hill Engineering, Panama, N.Y., performed a cursory inspection of the village hall, looking for any significant structural issues. Ms. Barnes said the good news is the building is structurally sound. Trustee Barnes said however there are non-structural issues with the building that have been overlooked for years. Some of issues are repairable while others are safety related, which need to be addressed immediately. Trustee Barnes indicated Mr. Radka did the building inspection gratis, however to prepare a written inspection report he will be submitting to the Village of Lakewood an invoice in the amount of \$300.00.

RESOLUTION #12-2017 - APPROVE PAYMENT FOR BUILDING INSPECTION REPORT

Motion by Trustee Barnes, seconded by Trustee Drago, for the Board of Trustees to approve a payment in the amount of \$ 300.00 to Mr. Peter Radka, P.E., Panama, N.Y., to prepare a written report detailing his recent inspection of the Anthony C. Caprino Municipal Building.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

COMMITTEE REPORTS (CONTINUED)

Trustee Holcomb, Citizens' Budget Advisory Committee Chairman indicated that he will be submitting a committee report to Mayor Birrittieri and the Board of Trustees at the next regularly scheduled meeting.

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Trustee McCague, Planning & Zoning Committee Chairman indicated that the committee is meeting every Thursday and some of the things they have addressed include language changes relative to property maintenance enforcement, signs and accessory structures. Once the proposed zoning law amendments are drafted they will be submitted to Village Attorney LaMancuso for his review and comment. When that is complete a public hearing will be set and then the proposed zoning law amendments can be acted on. Trustee McCague said once they filed with the Department of State, Building Inspector Swanson will be able to put the amendments into practice.

Trustee McCague also reported the Comprehensive Plan Implementation Committee recently met and discussed how the committee was going to move forward in implementing the newly adopted Comprehensive Plan.

Trustee McCague said as the Tree Committee liaison, he has reached out to Chairman Richard Rose to let him now he will be attending their committee meetings.

Mr. Jackson W. Knowlton, President of the Lakewood Fire Company, Inc., indicated to Mayor Birrittieri and members of the Board of Trustees, he asked the Village Clerk to distribute a new Lease Agreement between the Village of Lakewood and the Lakewood Fire Company, Inc., regarding the lease of the property on which the new baseball field currently being built. Mr. Knowlton asked that they review and comment on the proposed lease agreement. Mr. Knowlton also noted the document includes a rendition of the proposed sign for the baseball field which met the approval of the Marra family and the Lakewood Fire Company, Inc.

Village of Lakewood Historian Susan Lane reported that she has been working with Mr. Steve Jones co-owner of the new Fifties Grill & Dairy, 156 West Fairmount Ave. Ms. Lane said he took a few photos of some pictures in the museum and plans on displaying them in his restaurant.

ANYONE TO BE HEARD

Mr. William S. Short, 12 Cherry Lane, appeared before Mayor Birrittieri and

the Board of Trustees, to express his concerns about the exterior lighting at the new Mexican restaurant, 15 West Fairmount Ave. Mr. Short went on to explain that because the lighting fixtures located on the perimeter of the parking lot are pointed up and out rather than down, he and his neighbors are being blinded by the spillover light.

Mr. Short said he first spoke with Building Inspector Swanson about the problem back in December. Not only are the fixtures pointed up and out, the bulbs were replaced with LED bulbs which are much brighter. To put the matter into perspective, Mr. Short said if one sat in his sun room looking west toward the new restaurant, it is the equivalent of having someone shine their high beam car headlights into the room. An easy fix is to ask the developer to point the light fixtures down toward the ground.

Building Inspector Swanson indicated he has kindly asked Mr. Fuentes to adjust the fixtures as soon as possible and reminded him that the proper adjustment of the lights is one of the conditions of the issuance of a Certificate of Occupancy.

Mr. Richard Rose, 42 Gifford Ave., indicated that it important to have the proper light fixtures which are designed in such a way so as to prevent light spillover. Mr. Rose said lighting is something that should be looked at closely when considering a re-write of the zoning law.

Trustee Barnes, in looking to "clean-up" some old business, asked Village Attorney LaMancuso if he has recently heard anything back from Windstream Communications regarding the proposed easement agreement concerning their use of a portion of the Marion Street right-of-way.

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Village Attorney LaMancuso indicated last we spoke there was talk about remitting a monthly payment versus a onetime payment. Mr. LaMancuso said he will gladly check on the agreement's status and report back to the Mayor and Board of Trustees.

Trustee Drago also brought up another bit of old business regarding the Village of Lakewood owned parcel of land adjacent to the Community Park & Boat Launch.

Trustee McCague indicated the Village of Lakewood did receive an appraisal of the property, however in looking at the survey he noticed what appeared to be an easement/right-of-way ten feet wide that traverses the parcel of land in question. Trustee McCague said the existence and purpose of the easement/right-of-way is something that should be looked into.

RESOLUTION #13-2017 - AUTHORIZE FUND TRANSFER

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 49,955.00 from the Trust & Agency Account T1093.0, (Sale of Equipment), in connection with the payment due for the new Department of Public Works dump truck.

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

RESOLUTION #14-2017 - APPROVE LFD FIRE CHIEF POSITIONS FOR 2017

Motion by Trustee Holcomb, seconded by Trustee Drago, that the Board of Trustees acting as the Board of Fire Commissioners, approve the following Lakewood Fire Department Fire Chief positions for 2017;  
Fire Chief: Kurt W. Hallberg, First Assistant Chief: Steve Smouse, Second Assistant Chief: Todd Gilbert.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #15-2017 - APPROVE COMMITTEE DESIGNATIONS

Motion by Trustee Barnes, seconded by Trustee Holcomb, authorizing the dissolution of the Comprehensive Plan Steering Committee and to approve the formation of the Comprehensive Plan Implementation Committee.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #16-2017 - APPROVE MEMBERS OF THE IMPLEMENTATION COMMITTEE

Motion by Trustee Holcomb, seconded by Trustee Drago, for the Board of Trustees to approve the following individuals as members of the Comprehensive Plan Implementation Committee; Edward J. McCague, Kaie Smith, Richard Rose, William Chandler and Jared Yaggie.  
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

LEAD AGENCY STATUS DISCUSSION

Village Attorney LaMancuso briefly explained the idea to have the Zoning Board of Appeals assume Lead Agency status in connection with Up State Tower Company's pending Use Variance application. For a variety of reasons it was decided over the course of the past two Zoning Board of Appeals meetings to review this application under the local zoning law in place prior to the adoption of the interim local law and permanent local law #4-2016. Mr. LaMancuso explained under Local Law #4-2016, the Board of Trustees would have fundamental decision making authority over the application.

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Under the section of the zoning law in place prior to the adoption of the interim local law and permanent local law the Zoning Board of Appeals had fundamental decision making authority in reviewing the use variance application. Through consultation with Special Counsel Richard E. Stanton, the Zoning Board of Appeals has decided to treat the application under the law as it existed before the new cell tower law went into effect. Mr. Stanton has therefore suggested that the Board of Trustees relinquish their Lead Agency status with respect to Up State Tower's use variance application and that it be assumed by the Zoning Board of Appeals.

Village Attorney LaMancuso indicated the Lead Agency status is only relevant to the question of the State Environmental Quality Review Act (SEQRA), and not a question of which review board renders a decision on a particular application. It is up to the Zoning Board of Appeals to decide which law applies to a particular application and to review it under the law that they apply it to.

RESOLUTION #17-2017 - AUTHORIZE THE ZBA TO ASSUME LEAD AGENCY STATUS

Motion by Trustee McCague, seconded by Trustee Holcomb, authorizing the Zoning Board of Appeals to assume Lead Agency status in the review of the Use Variance application as submitted by Up State Tower Company, LLC, regarding their desire to establish a 180 ft. tall wireless telecommunications facility adjacent to the southerly end of Glenwood Ave.

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

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees at 8:08 PM, so as to enter into executive session to discuss pending litigation.

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

EXECUTIVE SESSION

Present at the executive session were Mayor Cara Birrittieri, Trustee Ellen E. Barnes, Trustee Susan F. Drago, Trustee Randall G. Holcomb, Trustee Edward J. McCague, Village Attorney John I. LaMancuso and Village Clerk Joseph M. Johnson. Motion by Trustee McCague, seconded by Trustee Holcomb, to adjourn the executive session at 9:05 PM and reopen the regular meeting.

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

Motion by Trustee Drago, seconded by Trustee Barnes and unanimously carried the Board adjourned at 9:06 PM.

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Joseph M. Johnson  
Village Clerk