

APRIL 23, 2018

The eighth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, April 23, 2018, 6:30 PM, with Mayor Cara Birrittieri presiding. Trustees present were Ellen E. Barnes, Randall G. Holcomb, Edward J. McCague 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 McCague, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held April 9, 2018.  
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

#### AUDIT OF CLAIMS

Motion by Trustee Schutte, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated April 23, 2018, be approved and that the Clerk shall execute said abstracts (#45 & #46) and direct payment by the Treasurer. Trust & Agency Fund: \$ 57,143.98, (Checks #4384 thru #4392), General Fund: \$ 62,778.00, (Checks #14694 thru #14732).  
Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

#### REPORTS

Mayor Birrittieri expressed her sincere thanks to everyone in the community who reached out with heartfelt condolences to her and members of her family following the death of her dear younger sister, Lisa Birrittieri. She said it was a devastating loss and it will take a long time for all of us to get used to the "new normal" without her.

Mayor Birrittieri also thanked Deputy Mayor McCague, members of the Board of Trustees and Village of Lakewood employees for taking on extra responsibilities and their understanding while spending additional time with family in Massachusetts.

Mayor Birrittieri reported that this Friday, the Village of Lakewood will celebrate Arbor Day, 12:00 noon at Veterans' Memorial Park, with the dedication of a newly planted tree in honor of Bill & Kay Fugagli, founding members and former Co-Chairpersons of the original Tree Committee.

Mayor Birrittieri also announced that the Village of Lakewood will be celebrating the 125<sup>th</sup> Anniversary of its incorporation, Saturday, May 19<sup>th</sup>, from 10:00 AM - 2:00 PM. The event will begin with an official proclamation outside the History Museum followed by some fun family activities at the Lakewood Memorial Library. The Mayor noted that both the History Museum and the Lakewood Fire Department Museum will be opened throughout the event.

Mayor Birrittieri indicated that music and entertainment for Lakewood's Live on the Lake series this summer has been finalized, beginning with the 4<sup>th</sup> of

July Summerfest. It was also noted that 3 C's Catering/Food Truck will be back and there will free fitness classes held before each of the Thursday evening concerts, compliments of The Fitness Bunker. Mayor Birrittieri said she is pleased to announce that there will be a new Farmers' & Artisans' Market, on W. Terrace Ave., adjacent to Richard O. Hartley Park/Beach, each Thursday, 2:00 - 6:00 PM, from June 14<sup>th</sup> thru August 30<sup>th</sup>. She noted fliers regarding these community events and information regarding the new weekly garbage collection schedule and recycling calendar will soon be mailed to residents.

APRIL 23, 2018 (CONTINUED)

Mayor Birrittieri then reminded everyone that the Department of Public Works annual brush pick-up will commence one week from today, April 30<sup>th</sup>. Finally, the Village-wide Garage & Yard Sale will be held the first or second week in June in conjunction with the annual junk & metal pick-up.

Department of Public Works Supervisor Thomas R. Pilling, reiterated Mayor Birrittieri's mention of the D.P.W.'s annual brush pick-up beginning Monday, April 30<sup>th</sup> and was pleased to report that all the snow plows have been taken off the trucks until the snow flies again.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has handled two thousand eight hundred two incidents year-to-date. He also reported the L-BPD was involved in a high speed car chase which ended up in the arrest of an individual for producing methamphetamine in the vehicle. The vehicle was subsequently impounded. Chief Bentley indicated that a new drug "drop-box" will be set-up in the L-BPD's reception area where individuals will be able to safely dispose of their old or unused prescription drugs. Chief Bentley said the new "drop-box" is being made available through a grant from the Chautauqua Alcohol & Substance Abuse Council (CASAC) and Hospice - Chautauqua County.

Chief Bentley then indicated that their new car radio repeaters have been received and will be installed as part of a larger grant from Chautauqua County.

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees so as to conduct two previously scheduled public hearings.

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

PUBLIC HEARING - 6:40 PM  
PROPOSED LOCAL LAW #4-2018  
MORATORIUM ON THE PERMITTING &  
CONSTRUCTION OF WIND TURBINES &  
RELATED BUILDINGS, FACILITIES, ETC.

Mayor Birrittieri opened the public hearing at 6:40 PM and asked if there was anyone present that had questions or comments concerning the newly proposed local law. With no one to be heard, Mayor Birrittieri closed the public hearing at 6:44 PM, and indicated that copies of the local law as proposed, are available at the Village Clerk's Office.

PUBLIC HEARING - 6:45 PM  
PROPOSED LOCAL LAW #5-2018  
MORATORIUM ON THE PERMITTING &  
CONSTRUCTION OF SOLAR PANEL FARMS &  
RELATED BUILDINGS, FACILITIES, ETC.

Mayor Birrittieri opened the public hearing at 6:45 PM and asked if there was anyone present that had questions or comments concerning the newly proposed local law. With no one to be heard, Mayor Birrittieri closed the public hearing at 6:47PM, and indicated that copies of the local law as proposed, are available at the Village Clerk's Office. Mayor Birrittieri proceeded to re-open the regular meeting of the Board of Trustees.

APRIL 23, 2018 (CONTINUED)

REPORTS (CONTINUED)

Fire Chief Steve Smouse reported that the Lakewood Volunteer Fire Department has responded to two hundred fifty-nine alarms year-to-date. A couple of those alarms that occurred in the past two weeks were weather related motor vehicle accidents with personal injuries. Chief Smouse said the LFD is busy but everything is running smoothly.

Village Attorney John I. LaMancuso was pleased to report that the Judge handling the law suit between Up State Tower Co., Inc. and the Village of Lakewood recently ruled in the Village's favor by quashing a move by Up State Tower Co., Inc., to depose certain members of the Board of Trustees and a member of the Zoning Board of Appeals, as requested by Special Counsel Richard E. Stanton, Esq. Mr. LaMancuso did note that Up State Tower, Inc. still could appeal the Judge's decision.

COMMITTEE REPORTS

Trustee & Comprehensive Plan Implementation Committee Chairman McCague indicated that with respect to the NYS Main Street (Chautauqua Ave.) Grant, the Village of Lakewood has received ten (10) eligible applications. A committee will be meeting soon to evaluate each one of them individually and pare that list of eligible applicants down to the top five (5). Mr. McCague said the maximum number of projects that can be submitted for funding is five (5), however the committee could chose to select less than five (5) projects. The projects selected will be forwarded onto LaBella Associates, D.P.C., Buffalo, N.Y., for consideration in the new Master Plan for Chautauqua Ave.

Trustee Barnes said she would like to publically thank those residents who have taken the time to write to NYS Senator Catharine Young and NYS Assemblyman Andrew W. Goodell, asking them to support legislation that would make it easier for local volunteer fire departments to charge patients, through their health insurance plans, for hospital transports when responding to Emergency Medical Service (EMS) calls. Trustee Barnes suggested that Mayor Birrittieri and the other members of the Board of Trustees follow their example and send a letter of their own to Senator Young and Assemblyman

Goodell, also asking for their support of the aforementioned legislation.

RESOLUTION #58-2018 - SET TIME & DATE FOR A SPECIAL MEETING & PUBLIC HEARING

Motion by Trustee Holcomb, seconded by Trustee McCague, for the Board of Trustees to set 6:30 PM, Monday, April 30, 2018 as the time and date for the Board of Trustees to conduct a Special Meeting, at which a public hearing will be held at 6:32 PM, in the Board Room of the Anthony C. Caprino Municipal Building, on Proposed Local Law #4-2018, to override the Tax Cap for the Village of Lakewood's fiscal year, June 1, 2018 thru May 31, 2019. Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #59-2018 - AUTHORIZE FUND TRANSFER

Motion by Trustee McCague, seconded by Trustee Schutte, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 5,000.00 from Account #A9060.80, [Medical Insurance], to Account #A1420.40, [Law Contractual]. The \$ 5,000.00 will be remitted to Special Counsel Richard E. Stanton, Esq., as a second installment for unbudgeted expenses in connection with the ongoing cell tower litigation, (Up State Tower, Inc. vs. Village of Lakewood, et al). Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

APRIL 23, 2018 (CONTINUED)

RESOLUTION #60-2018 - APPROVE THE REAPPOINTMENT OF SEASONAL EMPLOYEE

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve the reappointment of Mr. James D. Fye, Lakewood, N.Y., as a seasonal Parks Department employee. Mr. Fye's appointment shall become effective Wednesday, April 25, 2018 and pending approval of the 2018-2019 budget, he will be compensated at a rate of \$ 12.36/hr. Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #61-2018 - APPROVE RETAINER AGREEMENT EXTENSION

Motion by Trustee Holcomb, seconded by Trustee McCague, for the Board of Trustees to approve an extension of the Retainer Agreement between the Village of Lakewood and Village Attorney John I. LaMancuso for the period of June 1, 2018 thru May 31, 2019, at the base cost of \$ 15,000.00. Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #62-2018 - APPROVE USE OF LAKEWOOD'S BUILDINGS & PROPERTIES

Motion by Trustee McCague, seconded by Trustee Holcomb, for the Board of Trustees to approve the use of the Village of Lakewood's buildings and properties during the celebration of its 125<sup>th</sup> Anniversary, which will be held Saturday, May 19<sup>th</sup>, between the hours of 10:00 AM - 2:00 PM. Adopted: 4 ayes, no nays (Barnes, Holcomb, McCague, Schutte)

RESOLUTION #63-2018 - APPROVE PART-TIME POLICE OFFICER APPOINTMENTS

Motion by Trustee Holcomb, seconded by Trustee Schutte, per the recommendation of Police Chief John R. Bentley, to approve the appointments of Mr. Jacob K. Swan, Jamestown, N.Y., and Mr. Lucas B. Munella, Jamestown, N.Y., as part-time Police Officers for the Lakewood-Busti Police Department, effective retroactively to Wednesday, April 18, 2018. Each new Police Officer will be compensated at a rate of \$16.49/hr.

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

RESOLUTION #64-2018 - TABLE ACTION ON AMENDMENTS TO POLICIES & PROCEDURES

Motion by Trustee McCague, seconded by Trustee Barnes, for the Board of Trustees to table any action on proposed amendments and/or additions to certain Village of Lakewood policies and procedures in connection with Equal Employment Opportunity, American with Disabilities Act, (ADA), Grievance Procedure relating to the Americans with Disabilities Act, (ADA) and its Procurement Policy, to include mention of Minority/Women owned Business Enterprises, (M/WBE).

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

RECESS

Motion by Trustee Holcomb, seconded by Trustee Barnes to recess the regular meeting at 7:00 PM, so as to enter into executive session to discuss ongoing litigation.

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

APRIL 23, 2018 (CONTINUED)

EXECUTIVE SESSION

Present at the executive session were Mayor Cara Birrittieri, Trustee Edward J. McCague, Trustee Ellen E. Barnes, Trustee Randall G. Holcomb, Trustee Douglas L. Schutte, 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 7:03 PM, and to reopen the regular meeting.

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

Motion by Trustee McCague, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 7:04 PM.

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Joseph M. Johnson  
Village Clerk

