

MAY 8, 2017

The ninth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, May 8, 2017, 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 and Fire Chief Kurt W. Hallberg. Absent was Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee McCague, to approve the minutes of the last regular meeting of the Board of Trustees, held April 24, 2017.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee McCague, that the claims as audited by the Auditing Committee of the abstract dated May 8, 2017, be approved and that the Clerk shall execute said abstracts (#49 & #50) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,952.38, (Checks #4082 thru #4094), General Fund: \$ 87,360.70, (Checks #13704 thru #13750)
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

REPORTS

Mayor Birrittieri reported that the Events & Marketing Committee is looking for volunteers for a couple of upcoming community events, namely the Live, Laugh, Love Lakewood Wellness Day, Sunday, June 4th and the 4th of July Summerfest. Other events taking place in the near future include the Chautauqua County-Wide Open House for local museums and historical societies which will be held, Saturday, May 20th. The Lakewood History Museum is one of many museums participating and will be open from 10:00 AM - 3:00 PM. Mayor Birrittieri indicated that the annual village-wide garage and yard sale will be held Friday June 2nd and Saturday June 3rd followed by the annual junk & metal pick-up which will commence Monday, June 5th. A bulk mailing will be sent out later this month that will include information on these events plus a newsletter from the Mayor.

Mayor Birrittieri also indicated negotiations on the Lakewood-Busti Police Union labor contract agreement will begin this week. Finally, the Village of Lakewood and the Town of Busti have been involved in talks with Chautauqua County Executive Vincent G. Horrigan and his Executive Assistant Daniel J. Heitzenrater about the possibility of multiple shared services projects and how they may tie in with Governor Cuomo's Shared Services Initiative Program.

Department of Public Works Supervisor Thomas R. Pilling reported that after contacting Andy Johnson, P.E., from Ecostratigies, Falconer, N.Y., is was learned that the former canal property located between Olive Ave. and Gerald Ave., is not an environmentally sensitive area and due to its size, (4.8 acres), a stormwater management permit isn't required. Mr. Pilling said he would like to have the former canal property surveyed and proceed to backfill

the area where needed in order to eliminate the swampy like condition of the property.

Mr. Pilling also reported that he contacted the NYS Department of Transportation and they will patching West Fairmount Ave. (Rt. 394) from Winch Road west into the Town of Busti beginning later this week.

MAY 8, 2017 (CONTINUED)

Mr. Pilling said he is happy to report that the in-advance payment of \$ 25,000.00 in connection with the NYS Department of Environmental Conservation's Crescent Creek Water Quality Improvement Project is expected to be sent to the Village of Lakewood this week.

Mr. Pilling also reported some of the stressed trees along Chautauqua Ave. didn't recover over the winter months. He then asked Mr. Richard Rose, Chairman of the Tree Committee, who is in attendance, if he would like to make a comment.

Mr. Rose indicated he contacted Forestry Consultant Bruce E. Robinson about the trees who suggested that the dead trees be removed. What to do once the trees are removed will be a discussion for another time.

Changing subjects Mr. Pilling indicated that the non-conforming and obsolete playground equipment at Richard O. Hartley Park and Veterans' Memorial Park should be dismantled and removed. Mr. Pilling said he is working with a Sales Representative from Big Toys to devise a layout for some updated playground equipment and once completed will present it to the Mayor and Board of Trustees for their review and comment.

Trustee Drago thanked Mr. Pilling and the DPW crew for the great job in conducting its annual Brush Pick-Up, however what is going to be the response to those residents who place materials along the roadside for pick-up following the pick-up.

Mr. Pilling said it will be up to the Board of Trustees on how to proceed.

Trustee Drago suggested starting with a letter reminding residents of the rules and regulations.

Trustee Barnes also suggested that an article on the subject could be published in the Lakeside Ledger.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has handled three thousand four hundred twenty-seven incidents year-to-date, three hundred eighty-nine of which occurred in the past two weeks. Chief Bentley also reported that the L-BPD recently assisted the Jamestown Police Department with the K-9 Unit on a drug raid which included a weapons search. Chief Bentley indicated the L-BPD also assisted the Pennsylvania State Police and the Federal Bureau of Investigation (FBI) on a report of a missing person case. Chief Bentley concluded his report by saying the L-BPD provided security and crowd control this past Saturday at Congressman Tom Reed's Town Hall meeting which was held at the Busti Fire Department.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire

Department has responded to two hundred eighty-two alarms year-to-date and that the medical records kept by the LFD passed a recent inspection conducted by the New York State Department of Health. Chief Hallberg indicated the recent Recruit New York open house went well as did the benefit for LFD member Jack McCray's wife Linda. Chief Hallberg also reported in addition to answering six alarms this past Saturday, on the way back from UPMC Chautauqua WCA, they assisted the Jamestown Fire Department at a car-pedestrian accident in Brooklyn Square.

Trustee McCague indicated he stopped in at the recent open house at the LFD and got a quick tour of the facility from Chief Hallberg. Trustee McCague thanked Chief Hallberg for the tour and noted it elicited a great deal of pride in the LFD, adding it is a very impressive fire department.

Village Treasurer Andrea J. Windoft reported that latest quarterly sales tax check fell short of what had been projected in the budget by approximately \$ 21,000.00, but fortunately some of the other revenue accounts have been able to make up the shortfall. Mrs. Windoft said, in referencing a letter from the Office of the State Comptroller, dated May 3, 2017, an issue with how the New York State Justice Court funds were calculated and distributed has been ironed out.

MAY 8, 2017 (CONTINUED)

Mrs. Windoft then reported there was an incident at the Dog Park April 23rd, wherein a young boy was bitten, who was subsequently transported to UPMC Chautauqua WCA by the Lakewood Fire Department for treatment. Mrs. Windoft thanked L-BPD Officer Preston for her assistance regarding the incident.

Treasurer Windoft said she was asked to clarify and differentiate the terms known as the New York State Tax Cap and the New York State Tax Freeze. She said the Tax Cap, which the Village of Lakewood has complied with, is a limit on the annual growth of the property taxes levied by the local government. The growth limit is set by the State of New York using an inflation factor, with the goal to reduce some of the multiple layers of government. Mrs. Windoft said it is her opinion that the growth limits set by New York State create fiscal stress for villages and townships across the state to induce thoughts of dissolution and consolidation. Treasurer Windoft said the Village of Lakewood can not continue to cut its budget and be able to maintain the existing level of services. A lower tax cap hinders a municipality's ability to raise revenue to pay for programs and services.

Treasurer Windoft said a tax freeze was a program, which was last implemented in 2016. The New York State legislature did not re-enact the program for municipalities, however it is still followed in the school districts across the state. She said property owners might receive tax freeze rebate checks next year, based on the school district's budget and spending plans, however it could depend on what their property tax was for the different years.

Treasurer Windoft said the two programs worked hand in hand, wherein if a municipality stayed within the tax cap, property owners would receive a tax freeze rebate check. That was the incentive for a municipality to comply with the tax cap guidelines. Mrs. Windoft said she and members of the Board of Trustees were unaware that the tax freeze program had ended. Although the Village of Lakewood has kept the tax rate under the tax cap, residents will not receive a rebate check based on the Village of Lakewood complying with the tax cap growth limit.

Trustee Holcomb asked Treasurer Windoft if the problems associated with the payout of justice court funds have been corrected.

Mrs. Windoft indicated per the letter from the Office of the State Comptroller, they are satisfied with what has been reported for payment and will be remitting any unpaid fine revenue to the Village of Lakewood as the adjustments are processed.

Although Building Inspector Swanson was not in attendance, Village Treasurer Windoft indicated Mr. Swanson had asked her to read a written report he had prepared. In addressing property maintenance issues, Mr. Swanson will be issuing Appearance Tickets to the property owner in violation. Because the Village Attorney's contract does not cover appearances in court for zoning code violations, Mr. Swanson would like the Board of Trustees to authorize Mr. LaMancuso to represent the Village of Lakewood in Town Court on zoning code violations in certain cases.

Village Attorney LaMancuso indicated that Mr. Swanson is qualified and has the ability to represent the Village of Lakewood in court as its Code Enforcement Officer. In certain situations if Mr. Swanson believes counsel is necessary, and the Board of Trustees is satisfied with his recommendation, then they may authorize him to appear in court on behalf of the Village of Lakewood. Mr. LaMancuso said Mr. Swanson is well equipped to handle any questions relative to the local zoning law, however if a legal question does surface, he would be happy to help if need be.

Mayor Birrittieri said she has spoken with Mr. Swanson about this and if certain circumstances present themselves, Mr. Swanson might feel less intimidated if legal counsel is present.

MAY 8, 2017 (CONTINUED)

COMMITTEE REPORTS

Village of Lakewood Historian Ms. Susan Lane indicated that the Lakewood History Museum will be taking part in the Chautauqua County Museums and Historical Societies county-wide open house to be held Saturday, May 20th, from 10:00 AM - 3:00 PM. Ms. Lane indicated that the museum has a couple new exhibits and that a video developed by Mr. Roger Gilbert is expected to be shown. Invitations to the open house will be mailed out to local elected officials, donors and some area residents.

Ms. Lane then said she has been in touch with an official from the Lakewood American Legion Post #1286 and indicated their color guard would be willing to participate in this year's 4th of July Summerfest, however they'll need to be notified of when and where.

Trustee McCague wished to report that the Planning & Zoning Committee has been busy drafting amendments to the local zoning law some of which have been sent to the Village Attorney for his review and comment.

Trustee McCague indicated the Finance Committee met May 2nd and discussed some budget matters. The next meeting of this committee is scheduled for May 16th.

Trustee McCague then reported the Implementation Committee is awaiting the

proposals for the Joint Lakewood/Busti Stormwater Management Engineering Study, which are due Wednesday, May 24th. A review committee is being set-up so that project may move forward. The Comprehensive Plan Implementation Committee is continuing to meet, however the challenge is to how to proceed without adequate funding in the upcoming budget. It will be a case of trying to do more with less.

As the liaison for the Village of Lakewood Tree Committee, Trustee McCague said he attended their most recent meeting and discussed their financial situation, projects for 2017-2018 and options on what to do regarding the dead trees along certain sections of Chautauqua Ave.

Trustee McCague concluded his report by saying he and Mayor Birrittieri attended a seminar held last Thursday at Fredonia State conducted by the Empire State Development Corporation on the Consolidated Funding Application process for 2017-2018. The presentation provided some options on how to pursue funding for projects that are currently underfunded.

Ms. Laurie Shults, a member of the Events & Marketing Committee wanted to let everyone know that the inaugural Wellness Day will be held 7:00 AM - 3:00 PM, Sunday, June 4th.

Trustee Holcomb reported that he and Building Inspector Swanson have been working with Mr. Jonathon Mayr completing the New York State Energy Research & Development Authority (NYSERDA) grant application which is due Wednesday, May 17th.

Lakewood Memorial Library liaison Trustee Drago, indicated that she will be attending their board meeting tomorrow evening. During the joint meeting of the Village Board of Trustees and Town Council, she and Councilman Rudolph Mueller were tasked to look at both libraries to determine if there are some common areas where each could share services between the two.

ANYONE TO BE HEARD

Ms. Laurie Shults, 6 Alta Way, appeared before Mayor Birrittieri and members of the Board of Trustees to discuss the 24 hour siren located on the roof of the Village Hall, which is activated whenever there is a fire or rescue call that requires response by the Lakewood Fire Department. She then proceeded to submit a petition to the Village Clerk containing over one hundred names that oppose its 24 use and encourages the Lakewood Fire Department to consider a siren curfew between the hours of 10:00 PM and 7:00 AM.

MAY 8, 2017 (CONTINUED)

Ms. Shults said she and those that signed the petition truly appreciate everything the first responders do for the community, however times and technology changes. She feels for the young families that live in close proximity to the siren where small children are awoken by the siren in the middle of the night and then have difficulties in falling back asleep. Ms. Shults said she hears the argument that some people lived near the former fire hall for years and they are fine. She said the siren is similar to an old air raid siren used during World War II. She and those who signed the petition are just looking for a little flexibility from the local fire department on the around the clock use of the siren. Ms. Shults said she understands there are three other means to communicate with area first responders and would like to see some sort of a compromise that would improve

the quality of life for area residents.

Ms. Shults said she has a question for Fire Chief Hallberg. She said a few years back the siren cycled three times and now it only cycles once. Why the change?

Chief Hallberg said if one were to go back a little further in time, the siren cycled until a first responder arrived at the fire hall and silenced it. Chief Hallberg said the change in the number of siren cycles occurred before his time as Fire Chief and said he didn't have an answer to Ms. Shults' question.

Ms. Shults said the siren is disruptive to nearby businesses, including her Brick Elephant Design and the Fitness Bunker. She said to her knowledge Lakewood is only local municipality where the siren is not located at the fire station. She reiterated, having a night time siren curfew would make good sense, understanding change is hard sometimes. Ms. Shults said with support from the petition she is hopeful that dialog regarding this matter will not fade away.

Chief Hallberg said the siren is activated when there is an alarm for the LFD and/or when mutual aid is required.

Trustee Barnes briefly explained the need for the siren from a dispatcher's standpoint. She said at times for one reason or another pagers do not get activated and the text part of the pager system does not function properly. Dispatchers will periodically receive calls from first responders saying, I hear the siren, what is going on? A siren is additional tool in alerting local first responders of an alarm. She said although it is loud, the majority of residents get used to it.

Ms. Shults said many fire departments have instituted alarm curfews and is asking the LFD for some flexibility. Although it may be a useful tool, the siren is a detriment to the quality of life for those living near it.

Mr. Salvatore Rachuna, 33 Sunset Ave., said his sister and brother-in-law are members of the Kennedy Fire Department and their siren has a curfew. Each member has three forms of communication, pager, radio and cell phone. Mr. Rachuna said since moving to Lakewood, his six year old son has developed a fear anxiety when the siren sounds during his bedtime. It becomes an all night battle to get him back to sleep. As a parent it is very frustrating. All we are asking for is for the LFD to consider a siren curfew.

Ms. Carol Westfall, 19 West Summit Street, said she moved to Lakewood two years ago, and agrees with everything Ms. Shults and Mr. Rachuna have said. She said sleep deprivation doesn't only apply to children. She and some of her neighbors have trouble getting back to sleep at night once the siren has sounded and awakened them. She said the siren is very loud and when it sounds, her heart practically skips a beat. Ms. Westfall said by no means does she wish to impact action by first responders by voicing her concerns, however there should be some room for discussion and for a compromise to be considered. Although just a few people have spoken this evening, the individuals who signed the petition must also be listened to.

Ms. Shults said the siren impacts many people, some of whom were not comfortable signing the petition. In conclusion, Ms. Shults said she is hopeful that the Board of Trustees takes this matter seriously.

MAY 8, 2017 (CONTINUED)

Mr. Craig Seger, 31 Winchester Road, indicated for the past forty years very little has changed in this community. As a member of the Planning Committee we are striving for progress and looking forward. Having a loud air raid type siren sounding at two in the morning is not attractive and urged the need for some compromise on this particular matter.

Mayor Birrittieri indicated although the siren wakes her up at times in the middle of the night, she looks at the siren as a valuable resource that would sound to alert the public of a public safety emergency. She believes there is a need for serious discussion on the subject and it is important to talk about considering a siren curfew. Mayor Birrittieri thanked Ms. Shults for bringing this concern to the attention of the Board of Trustees.

Mrs. Charlotte Johnson, 319 East Terrace Ave., wished to thank Mayor Birrittieri and members of the DPW crew for the new section of sidewalk along East Terrace Ave., which has improved the area considerably.

RESOLUTION #74-2017 - AUTHORIZE FUND TRANSFER

Motion by Trustee McCague, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 14,787.44 from Account T1093.20, [Police Federal Asset Forfeiture], to Account A3120.20, [Police Equipment], to pay for computer upgrades in the patrol cars, (\$ 10,480.44) and range equipment & training, (\$ 4,307.00)
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #75-2017 - AUTHROIZE BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Holcomb, authorizing Village Treasurer Andrea J. Windoft to make several budget transfers due to account overages as follows: \$ 180.00 from Account A1620.20, [Building Equipment], into Account A1010.40, [Trustee Contractual], \$ 300.00 from Account A3410.48, [LFD Uniforms], into Account A3410.49, [EMS Supplies], \$ 675.00 from Account A1420.10, [Law Salaries], into Account A3620.10, [Code Enforcement Salary], and \$ 600.00 from Account A5110.40, [Streets Contractual], into Account A5110.41, [National Fuel Gas, Streets]
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #76-2017 - APPROVE NON-UNION WAGE INCREASES

Motion by Trustee Holcomb, seconded by Trustee Barnes, to approve a 1% wage increase for non-union employees and to approve a \$ 2.00 increase in DPW Laborer Ryan B. Vik's hourly wage, per the recommendation of DPW Supervisor Thomas R. Pilling. NOTE: These salary and wage increases will become effective June 1, 2017.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

RESOLUTION #77-2017 - AUTHORIZE PROCESS OF ACH PAYMENTS

Motion by Trustee Holcomb, seconded by Trustee Drago, authorizing Village

Treasurer Andrea J. Windoft to process ACH payments to the New York State Deferred Compensation Plan for deposit, which represent payroll deductions.
Adopted: 4 ayes, no nays (Barnes, Drago, Holcomb, McCague)

MAY 8, 2017 (CONTINUED)

RESOLUTION #78-2017 - SET DATE AND TIMES FOR PUBLIC HEARINGS

Motion by Trustee Drago, seconded by Trustee McCague, to set the date and times for the Board of Trustees to conduct public hearings regarding review of the following Special Use Permit applications:

- Monday, May 22nd, 6:40 PM, Proposed Billboard, W. Fairmount Ave., (Ms. Sharon Soehnlein)
- Monday, May 22nd, 6:45 PM, Proposed 6 ft. Fence, 31 New York Ave., (Ms. Sharon Westerberg)
- Monday, May 22nd, 6:50 PM, Proposed 6 ft. Fence, 2 Holly Dr., (Mr. David Snow)

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

RESOLUTION #79-2017 - APPROVE PARTICIPATION IN SHARED SERVICES INITIATIVE - PART #1

Motion by Trustee McCague, seconded by Trustee Holcomb, to approve the Village of Lakewood's participation in a Chautauqua County-Wide Shared Services Initiative, to resolve, with assistance from New York State and Chautauqua County, to continue to study the feasibility and possibility of establishing a merged municipal facility with the Town of Busti as identified in the 2016 Village of Lakewood Comprehensive Plan.

Adopted: 5 ayes, no nays (Birrittieri, Barnes, Drago, Holcomb, McCague)

RESOLUTION #80-2017 - APPROVE PARTICIPATION IN SHARED SERVICES INITIATIVE - PART #2

Motion by Trustee Holcomb, seconded by Trustee McCague, to approve the Village of Lakewood's participation in a Chautauqua County-Wide Shared Services Initiative, to resolve, with assistance from New York State and Chautauqua County, to continue to study the feasibility and possibility of merging the Town of Ellicott Police Department and the Lakewood-Busti Police Department and pursue results of this study that are consistent with effective and efficient delivery of service to the residents.

Adopted: 5 ayes, no nays (Birrittieri, Barnes, Drago, Holcomb, McCague)

RESOLUTION #81-2017 - AUTHORIZE HAZ-MAT CONFERENCE ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Holcomb, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize Lakewood Fire Department member Mr. Daniel Imfeld to attend the annual Hazardous Materials Conference, to be held in Baltimore, Maryland, June 14th - 17th, per the request of Fire Chief Kurt W. Hallberg. Mr. Imfeld will be reimbursed for any and all authorized expenses incurred.

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

RESOLUTION #82-2017 - APPROVE 2017 DOCK PERMIT APPLICATIONS

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the following 2017 Dock Permit applications as submitted by Mr. John Hickey, 147 West Summit Street, for the Gifford Ave. right-of-way and Dr. Albert J. Persia, 74 East Terrace Ave., for the Maple Ave. right-of-way.

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

MAY 8, 2017 (CONTINUED)

RECESS

Motion by Trustee Barnes, seconded by Trustee McCague, to recess the regular meeting of the Board of Trustees at 7:45 PM, so as to enter into executive session for the purpose of discussing upcoming labor contract negotiations.

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

EXECUTIVE SESSION

Present at the executive session were Trustee Edward J. McCague, Trustee Susan F. Drago, Trustee Ellen E. Barnes, Trustee Randall G. Holcomb, Village Attorney John I. LaMancuso and Village Clerk Joseph M. Johnson. Motion by Trustee McCague, seconded by Trustee Drago, to adjourn the executive session at 8:16 PM.

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

Motion by Trustee Barnes, seconded by Trustee Holcomb, and unanimously carried, the Board adjourned at 8:17 PM.

Joseph M. Johnson
Village Clerk