

JANUARY 9, 2023

The Annual Organizational meeting and the first regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, January 9, 2023, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes, R. Richard Fischer and Benjamin J. Troche. Also present were Village Clerk Mary B. Currie, Police Chief Christopher A. DePonceau, Village Attorney John I. LaMancuso, DPW Supervisor Thomas R. Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. Absent were Trustee Nancy W. Jones and Village Treasurer Apryl L. Troutman. A work session was held with no action taken.

Mayor Holcomb opened the Organizational Meeting by thanking those in attendance and announcing his appointment of Trustee Benjamin J. Troche as Deputy Mayor for the year 2023.

Mayor Holcomb thanked Trustee Ellen E. Barnes for acting as Deputy Mayor for the past three years.

RESOLUTION #1-2023 – APPROVE MAYOR HOLCOMB’S APPOINTMENTS

Motion by Trustee Barnes, seconded by Trustee Troche, to approve Mayor Holcomb’s committee and liaison appointments as submitted.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

2023 MAYOR’S APPOINTMENTS

Auditing Committee	R. Richard Fischer *	Benjamin J. Troche
Finance Committee:	Nancy W. Jones *	Ellen E. Barnes
Streets & Sidewalks Committee:	R. Richard Fischer *	Ellen E. Barnes
Public Safety Committee:	Ellen E. Barnes *	Benjamin J. Troche
Parks & Rec. Committee:	Ellen E. Barnes *	Nancy W. Jones
Personnel Committee:	Benjamin J. Troche *	R. Richard Fischer
Zoning Committee:	Benjamin J. Troche *	Nancy W. Jones
Grants Committee:	Benjamin J. Troche *	R. Richard Fischer

* Denotes Committee Chairperson

Liaison Positions:

Events & Marketing Committee	Julie C. Toennis
Comprehensive Plan Imp. Committee:	Ellen E. Barnes
Lakewood Community Development Corporation:	Benjamin J. Troche
Lake Environmental & Alliance Committee:	Ellen E. Barnes

One Year Term to Expire January 2024

D.P.W. Supervisor:	Thomas R. Pilling	29 Harlem Ave.
Building Inspector:	Jeffrey A. Swanson	132 Creek Road

Village Zoning Board of Appeals/Planning Board:

Gary Segrue *	16 E. Terrace Ave.	763-0822	Term ending Jan. 2026
Louis S. Drago, Jr. **	9 Brook St.	763-2234	Term ending Jan. 2024
William F. Chandler	207 W. Summit St.	763-0196	Term ending Jan. 2027
John Jablonski	213 Spruce St.	763-7343	Term ending Jan. 2026
Jack McCray	16 E. Second St.		Term ending Jan. 2026
Martin F. Idzik	112 W. Terrace Ave.	763-0310	Alternate

(Alternate Position open: 1)

* Denotes Review Board Chairperson

** Denotes Review Board Deputy Chairperson

JANUARY 9, 2023 (continued)

RESOLUTION #2-2023 – OFFICIAL BANKS

Motion by Trustee Troche, seconded by Trustee Barnes, per the recommendation of Mayor Holcomb, that M & T Bank, Key Bank of W.N.Y and Community Bank, be hereby designated as the official depositories for all funds of the Village of Lakewood during the ensuing year and that two (2) signatures be required on all checks, consisting of either Mayor Randall G. Holcomb or Deputy Mayor Benjamin J. Troche and either Village Treasurer Apryl L. Troutman or Village Clerk Mary B. Currie.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #3-2023 – OFFICIAL NEWSPAPER

Motion by Trustee Barnes, seconded by Trustee Fischer, that The Post-Journal, Jamestown, N.Y., be designated as the official newspaper of the Village of Lakewood.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #4-2023 – SET MILEAGE ALLOWANCE

Motion by Trustee Fischer, seconded by Trustee Barnes, WHEREAS the Board of Trustees of the Village of Lakewood has determined to pay a fixed rate for mileage reimbursement to officers and employees of the Village of Lakewood who use their personal vehicles while performing their official duties on behalf of the Village of Lakewood, NOW THEREFORE BE IT RESOLVED that the Board of Trustees approve reimbursement to such officers and employees at a rate as calculated semi-annually by the Internal Revenue Service. The current rate per mile is \$.62.5 cents. This resolution shall take effect immediately.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #5-2023 – SET REGULAR BOARD MEETING SCHEDULE

Motion by Trustee Fischer, seconded by Trustee Troche, that regular meetings of the Village of Lakewood Board of Trustees shall be conducted on the second and fourth Mondays of each month in the Board Room of the Anthony C. Caprino Municipal Building, 20 West Summit Street, Lakewood, New York, at 6:30 PM, preceded by a 6:15 PM work session. If it is deemed necessary to change the day and/or the time of a regularly scheduled meeting or to schedule a special meeting of the Board of Trustees, the Mayor, Board of Trustees, respective department heads and the media shall be notified in writing when practicable.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #6-2023 – AUTHORIZE ADVANCE APPROVAL OF CLAIMS

Motion by Trustee Troche, seconded by Trustee Fischer, authorizing the payment in advance of certain bills for reoccurring expenses such as utility services, postage, freight and express charges, prior to them being audited.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #7-2023 – APPROVE PROCUREMENT CREDIT CARD PROGRAM

Motion by Barnes, seconded by Trustee Troche, for the Board of Trustees to approve the current Village of Lakewood's Procurement Credit Card Program.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #8-2023 – TABLE ADDITIONS TO THE PERSONNEL POLICIES & PROCEDURES

Motion by Trustee Barnes, seconded by Trustee Troche, for the Board of Trustees to table the Village of Lakewood's Personnel Policies and Procedures updates as proposed until the February 13, 2023 Board of Trustees meeting.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

JANUARY 9, 2023 (continued)

Trustee Barnes said there will need to be discussion with Attorney LaMancuso and the fact that the policy has been added onto numerous times that it should remain in place as it is right now. She also said New York State recognizes it more contractual than not, so the Board of Trustees need to go over the policy and redo it so it works better for the village and the interest of the village.

ADJOURN ANNUAL ORGANIZATIONAL MEETING

Motion by Trustee Barnes, seconded by Trustee Troche, to adjourn the Annual Organizational Meeting at 6:37 PM and proceed to open the first regular meeting of the Board of Trustees.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

Mayor Holcomb opened the first regular meeting of the Village of Lakewood Board of Trustees for 2023 at 6:38 PM.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Troche, to approve the minutes of the last regular meeting of the Board of Trustees held December 12, 2022.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

AUDIT OF CLAIMS

Motion by Trustee Troche, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated December 30, 2022 and January 9, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#30 & #30) Trust & Agency Fund: \$ 58,957.18, General Fund: \$ 89,440.77, (checks #19403 thru #19431), Abstracts (#32 & #32), Trust & Agency Fund: \$ 71,288.34 (checks #7159 thru #7161), General Fund: \$ 106,705.99, (checks #19432 thru #19462), voided check #19449, ACH payments to M & T Bank.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

REPORTS

DPW Supervisor Thomas R. Pilling reported he had kept some of the newer equipment that was removed from the playground at Hartley Park and suggested installing the equipment at Veterans Park and start a small playground there. Mr. Pilling said it is his understanding that per the Recreation Agreement between the Village of Lakewood and the Town of Busti, should a discontinuance occur, all monies remaining in the fund shall be fairly distributed between the Village of Lakewood and the Town of Busti. He said it would be nice to receive that money now and use it to install a nice playground at Veterans Park.

Mr. Pilling also reported that he had attended a seminar, given by Southern Tier West, on the Community GIS program and indicated the program would be beneficial for the DPW, Code Enforcement as well as the Police Department or anyone else that would like to use GIS plotting. Mr. Pilling said there will be an annual fee of \$650.00, a tablet would need to be purchased and a monthly fee of approximately \$20.00 would be added to the cellular bill. Mr. Pilling said there is money in his budget that could cover the initial costs and would like to move forward with establishing the program to see how well it works.

Mr. Pilling said the electric car chargers on the west side of the municipal building are out of service and asked the board if they would like to upgrade the electrical service in the building to accommodate them or have the chargers removed.

Mayor Holcomb asked Building Inspector Jeff Swanson if he would check with National Grid to find out if New York State has any grants to replace the chargers that are currently there.

Mr. Swanson said he would but thinks the charging stations are beginning to fail in this area.

Trustee Barnes suggested seeing if the village has passed its time limit of having them, per the grant.

JANUARY 9, 2023 (continued)

Trustee Fischer said it is nice to see kids are using the new playground at Hartley Park and said it looks like some dirt is going to need to be added.

RECESS

Motion by Trustee Fischer, seconded by Trustee Troche, to recess the regular meeting of the Board of Trustees at 6:47 PM, so as to conduct a previously scheduled public hearing.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

**PUBLIC HEARING – 6:45 PM
VIDEOCONFERENCING DURING PUBLIC MEETINGS**

Mayor Holcomb opened the public hearing at 6:47 PM, to consider the use of videoconferencing during public meetings, per Section 103-a of the Open Meetings Law and asked if there was anyone present who would like to be heard.

With no one present to be heard, Mayor Holcomb closed the public hearing at 6:48 PM and re-opened the regular meeting of the Board of Trustees.

RESOLUTION #9-2023 - VIDEOCONFERENCING DURING PUBLIC MEETINGS

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Village of Lakewood to adopt videoconferencing during public meetings, **WHEREAS**, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and **WHEREAS**, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Village of Lakewood to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and **WHEREAS**, Section 103-a(2)(a) requires the Village of Lakewood to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and **WHEREAS**, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS, Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and **WHEREAS**, in accordance with Section 103-a(2)(d), any members attending by videoconference must, excerpt during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the Village of Lakewood webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

BE IT RESOLVED, that the Village of Lakewood authorizes its members of the Village of Lakewood Board of Trustees, and Zoning Board of Appeals/Planning Board who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

RESOLVED, that the Village of Lakewood shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

**RESOLUTION #10-2023 - PROCEDURES FOR CONDUCTING VILLAGE MEETINGS BY
VIDEO CONFERENCE**

Motion by Trustee Barnes, seconded by Trustee Troche, for the Village of Lakewood to abide by the following procedures for conducting village meetings by videoconferencing:

Public Officers Law § 103-a authorizes the Village to use, in its discretion, video conferencing to conduct meetings provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend.

The purpose of this document is to set forth the written procedures governing member and public attendance.

1. These procedures shall be conspicuously posted on the public website of the Village of Lakewood.
 2. Members of the public body shall be physically present at public meetings of the Board of Trustees unless such member is unable to be present at the physical meeting location due to extraordinary circumstances. "Extraordinary circumstances" shall be defined as follows:
 - a. A disability, illness, caregiving responsibility, or any other significant or unexpected factor or event which precludes the member's physical attendance at the meeting.
 3. All meetings conducted by video conference shall be conducted using software provided by Zoom, Microsoft Teams, or any other reliable, secure, and commercially available video conferencing software.
 4. The minutes of any meeting conducted by video conference shall list the individuals who participated by video, including members of the public and members of the public body.
 5. Anyone connecting to the meeting via video conference shall appear with their camera function engaged such that others participating by video conference and those in the physical meeting room can see the face of all parties participating by video conference.
 6. Any party participating in a meeting by video conference shall ensure that their full name is displayed before entering the meeting.
 7. Members of the public participating in any meeting by video conference shall not be disruptive and shall mute their microphones when asked to do so by the chair of the meeting.
 8. All members of the public body must be heard, seen, and identified during the public meeting, except during executive session.
 9. If video conferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that video conferencing will be used, where the public can view and/or participate in such meeting, and where required documents will be posted or available, and shall identify the physical location where the public will attend.
 10. Each meeting conducted using video conference shall be recorded and such recordings shall be posted or linked on the Village website within five days after the meeting and shall remain so available for a minimum of five years thereafter; such recordings shall be transcribed upon request.
 11. If video conferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via video conference in real time where public comment or participation is authorized and shall ensure that video conferencing authorizes the same public participation or testimony as in person participation or testimony.
- Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

JANUARY 9, 2023 (continued)

REPORTS (continued)

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had one hundred ninety-eight incidents from December 12, 2022 to January 9, 2023 which included twenty-three alarms, two hundred twenty-three business checks, nineteen check well beings, five larceny complaints, six motor vehicle accidents, seven peace officer requests, ninety-four property checks, ten shoplifting incidents, eight suspicious situations, twelve vehicle complaints, seventeen parking complaints and thirty-three warrants that were served and/or entered into the system.

Chief DePonceau reported L-BPD Officer Lauren Nickerson has submitted her resignation and accepted a full time position with the Chautauqua County Sheriff's Department. He said he has begun accepting applications for a part-time police officer to replace Officer Nickerson.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to sixteen alarms so far in 2023. He said in the year 2022 they had a total of one thousand one hundred thirty-two alarms and indicated that is a new record, surpassing the previous record in 2019.

Chief Hallberg said the LFD was busy over the Christmas weekend mostly with broken pipes due to the extremely cold temperatures. He said there were quite a few area businesses with broken pipes and a house on Chautauqua Ave. had five feet of water in the basement. He said the problem is most businesses don't heat their places when they are closed, he indicated they are all back up and running.

Building Inspector Jeff Swanson reported he has been busy with property maintenance complaints and is currently working on having a certain structure razed that will make the village very happy.

Trustee Barnes asked Mr. Swanson if he has heard when the Cattaraugus Community Bank, 284 E. Fairmount will be opening its doors.

Mr. Swanson said he believes it will be in March.

Mr. Swanson said The Rock Church, 35 W. Fairmount Ave., would like to begin moving their offices into the old Perkins Restaurant, 5 West Fairmount Ave. He noted once everything is in place, they will begin renovating the building in stages.

RESOLUTION #11-2023 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L Troutman to make the following mid-year budget transfer for a budget shortfall which occurred with the 12/12/22 claims: \$348.78 from A5110.40 {Street Maint. – Contractual} to A5110.43 {Street Maint. - Vehicle Maint. }
Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #12-2023 - AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L Troutman to make the following mid-year budget transfer for a budget shortfall for the year 2022: \$ 5,000.00 from A5110.40 {Street Maint. – Contractual} to A5110.43 {Street Maint. – Vehicle Maint. }
Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #13-2023 - AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L Troutman to make the following mid-year budget transfer for a budget shortfall for the year 2022: \$ 2,000.00 from A3120.10 {Police Salaries} to A3120.11 {Police – Salaries Overtime}.
Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

JANUARY 9, 2023 (continued)

RESOLUTION #14-2023 - AUTHORIZE TO USE FUND BALANCE

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L Troutman to use the Fund Balance to cover the second (final) tax payback for the Chautauqua Mall assessment lawsuit settlement, in the amount of \$29,093.64 that was paid 12/30/22.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #15-2023 - AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L Troutman to make the following mid-year budget transfer for a budget shortfall: \$ 110.00 from A-7140.40 {Playgrounds – Contractual} to A-8510.43 {Community Beautification – Lake/Shore Management}.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

RESOLUTION #16-2023 –ACCEPT POLICE OFFICER RESIGNATION

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to accept the resignation of Lakewood-Busti Police Officer Lauren E. Nickerson effective January 9, 2023. Officer Nickerson has been with the L-BPD since July 2022 and has accepted a full time position with the Chautauqua County Sheriff's Department.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

Trustee Barnes said she would like to table the approval of the EMS billing policy until such a time Attorney Mark Butler, Snyder, NY, counsel for the village is able to come to a meeting and discuss a few things so everyone is on the same page. She said since this is a village policy and the village carries the liability and responsibility, there are things that need to be included in the policy. Ms. Barnes said the LFD and Village of Lakewood cannot move forward on this matter because contracts are not yet in place.

Trustee Troche said when he and the Mayor talked to Mr. Butler a few weeks ago he indicated the contracts were almost complete and the village could move forward. He said his biggest concern is that the village needs to start negotiations with the Fire Company right away because they should be in place before they can start collecting any funds.

Trustee Troche said if this is tabled it shouldn't be any longer than the next meeting, this has been going on since October 2022.

RESOLUTION #17-2023 – TABLE EMERGENCY MEDICAL SERVICES BILLING POLICY

Motion by Trustee Barnes, seconded by Trustee Fischer, to table the approval of the proposed EMS Billing Policy until the next regular meeting of the Board of Trustees, January 23, 2023.

Adopted: 3 ayes, no nays (Barnes, Fischer, Troche)

Motion by Mayor Holcomb, seconded by Trustee Fischer and unanimously carried the Board adjourned at 7:12 PM.

Mary B. Currie
Village Clerk