

FEBRUARY 8, 2021

(amended)

The third regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held through ZOOM.US, Monday, February 8, 2021, 6:30 pm, with Deputy Mayor Ellen E. Barnes presiding. Participating were Trustees R. Richard Fischer, Edward J. McCague and Douglas L. Schutte. Also participating were Fire Chief Kurt Hallberg, Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, DPW Supervisor Thomas R. Pilling, Village Attorney John I. LaMancuso and Police Chief Christopher L. DePonceau. Absent were Mayor Randall G. Holcomb and Building Inspector Jeffrey Swanson.

APPROVAL OF MINUTES

Motion by Trustee Fischer, seconded by Trustee McCague, to approve the minutes of the last regular meeting of the Board of Trustees held January 25, 2021.

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

AUDIT OF CLAIMS

Motion by Trustee Schutte, seconded by Trustee McCague, that the claims as audited by the Board of Trustees for the abstracts dated February 8, 2021, be approved and that the Clerk shall execute said abstracts (#38 and #38) and direct payment by the Treasurer. Trust & Agency Fund: \$ 63,872.53, (Checks #5333 and #5337), General Fund: \$ 105,223.20, (Checks #17612 through #17640).

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

REPORTS

DPW Supervisor Thomas Pilling said his department has been performing seasonal maintenance on the vehicles and only has a couple more to complete.

Mr. Pilling indicted this year the CHIPS funding was reduced by 20% however, he just heard Governor Cuomo will be restoring 15%, so he thinks there should be a rollover of an additional \$ 23,236.00 into next year's budget.

Police Chief Christopher L. DePonceau reported the Lakewood-Busti Police Department responded to three hundred eleven incidents for the period of January 25, 2021 to February 8, 2021.

Fire Chief Kurt Hallberg submitted his report for the Lakewood Fire Department stating there has been ninety-five alarms year to date.

Chief Hallberg said every member of the Lakewood Fire Department that have elected to receive the COVID-19 vaccine have had their second shot.

Village Treasurer Apryl L. Troutman reported a grant reimbursement was submitted today through Clinton Brown Company Architecture, PC, Buffalo, N.Y., for the New York State Main Street Grant. The request from New York State, is \$ 16,034.00 and will be reimbursement for grant administration fees that were paid to the contractor for services rendered.

Village Treasurer Troutman said she received the quarterly sales tax payment from Chautauqua County in the amount of \$194,178.95. She said the initial amount was \$ 198,492.44 but there was a deduction of \$ 4,313.49 for the NYS sales tax diversion for fiscally distressed healthcare facilities which reduced the payment received.

Trustee R. Richard Fischer presented pictures of the four (4) wooden signs which are being donated to the village by Barbara Hoag, Ted Bootey, Bonny Smith and Mary Currie, children of former Village/Town Attorney E. Robert Bootey and Sally Bootey, former Planning Board member. He said two (2) of the signs will have a picture of the antique fire truck and the other two (2) will have a picture of the gazebo at Hartley park. The signs will be placed at the village entrances on W. Summit St., E. Terrace Ave., W. Fairmount Ave. & E. Fairmount Ave.

Trustee Fischer and Trustee Barnes thanked the Bootey family for their generous donation to help the village obtain the beautiful signs for those locations.

FEBRUARY 8, 2021 (continued)

Deputy Mayor Ellen E. Barnes said the village received notification from Chautauqua Lake & Watershed Management Alliance, Inc. letting us know that it was awarded a grant in the amount of \$ 3,000.00 for the Fairmount Stormwater Basin & Watershed Improvement Project.

On behalf of the Village of Lakewood and the Board of Trustees, Trustee Barnes thanked Executive Director Randall Perry and the Chautauqua Lake & Watershed Management Alliance, Inc. for their consideration and subsequent grant award for this project.

DISCUSSION ON LOWE PARK DOCK PERMIT APPLICATION

Village Attorney John LaMancuso said it appears in the deed dated January 27, 1931, Carrie G. Lowe to the Village of Lakewood, Lot #17 in the Lowe Allotment, which is known as Lowe Park, there is a covenant that all property owners within the Lowe Allotment are given a joint privilege to place a dock at the end of a walkway on the property known as Lowe Park.

Mr. LaMancuso did not believe all property owners would have to be on the permit, but he would recommend all be notified in writing, of the permit application being submitted. He said at this point he doesn't think the Board of Trustees are in a position to accept an application from just one of the property owners.

Mr. LaMancuso recommends the village request a full title search to be prepared on Lot #17 (Lowe Park) to see if anything has changed over the past 90 years.

Mr. Shane Uber, Attorney for Mr. & Mrs. Schreiber, said he thinks it is in the best interest for everyone involved to go forward with the request for a full title search on the property.

Trustee Ellen Barnes said there is also language in the deed about the village maintaining lot #17 as a park.

Trustee Barnes asked DPW Supervisor Tom Pilling if he knew what the waters in front of the park are like.

Mr. Pilling said there is a sluice pipe that runs into the lake from the park, he thinks it is pretty shallow around the outfall of the pipe so they would have to place the dock on the west side of the park and it would have to go out 100 ft. or more out into the lake.

RESOLUTION #29-2021 – AUTHORIZE TITLE SEARCH

Motion by Trustee McCague, seconded by Trustee Barnes, for the Board of Trustees to approve a title search to be prepared for Lot #17 of the Lowe Allotment, (as stated in the Carrie G. Lowe to Village of Lakewood deed, dated January 27, 1931) and now known as Lowe Park.

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

RESOLUTION #30-2021 – TABLE APPROVAL OF DOCK PERMIT APPLICATION

Motion by Trustee McCague, seconded by Trustee Schutte, for the Board of Trustees to table the approval of the dock permit application for Lowe Park as submitted by Mark & Jeanne Schreiber, possible future owners of 225 W. Summit St., until such a time the Village receives a title search for Lot #17 of the Lowe Allotment, also known as Lowe Park.

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

RESOLUTION #31-2021 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee McCague, seconded by Trustee Fischer, per the recommendation of Village Treasurer Apryl L. Troutman, for the Board of Trustees to authorize the following mid-year budget transfer due to budget shortfalls: \$ 866.23 from A-3620.12 {Fire Inspector Salary} to A-3620.10 {Code Enforcement Salaries}.

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

FEBRUARY 8, 2021 (continued)

RESOLUTION #32-2021 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Schutte, seconded by Trustee McCague, per the recommendation of Village Treasurer Apryl L. Troutman, for the Board of Trustees to authorize the following mid-year budget transfer due to budget shortfalls: \$ 125.40 from A-5110.48 {Street Maintenance – Contractual} to A-5110.43 {Street Maintenance – Vehicle Maintenance}.

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

RESOLUTION #33-2021 – AMEND RESOLUTION #26-2021

Motion by Trustee McCague, seconded by Trustee Fischer, for the Board of Trustees to amend Resolution #26-2021, dated January 25, 2021. Due to a clerical error with Civil Service, Officer Kyle Nazario's start date for a full-time position with the L-BPD will be March 1, 2021.

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

RESOLUTION #34-2021 – AUTHORIZE REQUEST FOR BIDS RE: NEW POLICE DEPT. VEHICLES

Motion by Trustee Fischer, seconded by Trustee McCague, authorizing Police Chief Christopher L. DePonceau to request sealed bids for two (2) new marked Police Patrol Cars, which will be replacing L-1 and L-3, to be paid for out of the 2021-2022 budget. Bids will be received at or before 3:00 PM. Friday, February 19, 2021.

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

DISCUSSION ON CHAUTAUQUA LAKE MANAGEMENT

Trustee Barnes explained there are two (2) permit applications for herbicide treatment this year. One of the permit applications will be in the name of Village of Lakewood for Aquathol K, treatment for invasive Curly-leaf Pondweed and the other will be in the name of Town of Busti for ProcellaCOR EC, treatment for invasive Eurasian Watermilfoil.

Ms. Barnes said the NYS DEC has approved the Town of Ellicott to have Celoron and the Town of Ellery to have Bemus Point added to their applications for ProcellaCOR EC. She said at the time the permits are granted, the contracts will then be done separately between the Village and the Town, which will give the village the ultimate say on whether or not any herbicides are applied to the lake.

Trustee McCague asked who would have the authority if Busti is awarded the permit for the ProcellaCOR.

Trustee Barnes noted there are two proposed areas off the Lakewood shoreline and one off the Busti shoreline, when and if the NYS DEC should grant any permits, it would fall back to the municipality on whether they will allow the treatment.

Ms. Ruth Wahl, 106 Winchester Rd., asked if there was money in the budget for the treatment of herbicides, if not why would the village apply for it.

Trustee Barnes said there is not money budgeted for herbicide treatment this year but there are grants and other ways to find money.

Ms. Wahl said since there is no spring survey, how do you know if the Curly-leaf Pondweed will need to be treated?

Trustee Barnes said although the survey is usually done in the fall, they did it earlier this year hoping to apply the herbicides before the Curly-leaf Pondweed has a chance to grow.

FEBRUARY 8, 2021 (continued)

RESOLUTION #35-2021 – AUTHORIZE SOLITUDE LAKE MANAGEMENT TO SUBMIT HERBICIDE APPLICATION ON THE VILLAGE’S BEHALF

Motion by Trustee Fischer, seconded by Trustee Schutte, to authorize SOLitude Lake Management to prepare and submit the NYS DEC herbicide permit application on behalf of the Village of Lakewood for the 2021 treatment period for Aquathol K to treat the Curly-leaf Pondweed.

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

RESOLUTION #36-2021 – VILLAGE TO RETAIN AUTHORITY TO APPLY PROCELLACOR EC HERBICIDE TO THE LAKE

Motion by Trustee Schutte, seconded by Trustee McCague, that the Village of Lakewood Board of Trustees *must* first authorize, in a separate resolution, any application of ProcellaCOR EC for herbicide treatment on Eurasian Watermilfoil as stated in the areas adjacent to the Lakewood shores, as shown in the Town of Busti permit application.

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

Motion by Trustee McCague, seconded by Trustee Schutte and unanimously carried to adjourn the regular Board of Trustees meeting at 7:16 PM.

Mary B. Currie
Village Clerk