

FEBRUARY 10, 2020

The third regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, February 10, 2020, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes, R. Richard Fischer, Edward J. McCague and Douglas L. Schutte. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Police Chief John R. Bentley, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling, and Fire Chief Kurt Hallberg. Absent was Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Schutte, to approve the amended minutes of the last regular meeting of the Board of Trustees held January 27, 2020.

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

AUDIT OF CLAIMS

Motion by Trustee McCague, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated February 10, 2020, be approved and that the Clerk shall execute said abstracts (#37 & #37) and direct payment by the Treasurer. Trust & Agency Fund: \$ 54,604.44, (Checks #4973 and #4982), General Fund: \$ 184,920.29, (Checks #16574 thru #16618), NOTE: Voided Checks #16580, (ACH payment) & #16605.

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

REPORTS

Mayor Holcomb began his report by letting it be known, that due to a previous error, a new contact of the Fire Protection & Ambulance Service has been signed by the Town of Busti, the Busti Fire Department, Lakewood Fire Company and the Village of Lakewood and that it has been reviewed by Village Attorney LaMancuso.

Mayor Holcomb also reported that he had done some research on the assessments and taxations of cell towers in some surrounding municipalities. He had copies of the assessments and taxes from six municipalities for anyone to view, should they wish to.

Mayor Holcomb wished to thank Fire Chief Hallberg and Fire Company President Jack Knowlton and the Lakewood Fire Company for hosting the Lakewood Fire Department's annual awards banquet which he and other village officials attended this past Saturday.

Department of Public Works Supervisor Thomas R. Pilling responded to a letter which had been sent to a couple of Trustees requesting a buffer between the DPW garages, the Lakewood Fire Station and Highland Ave. Mr. Pilling indicated that it would be roughly 300 feet of either fence or shrubs and the cost would be approximately \$ 13,000.00 to \$ 14,000.00.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has had eight hundred sixty seven incidents year to date and three hundred eighteen of which have occurred since the last meeting held January 27, 2020.

Chief Bentley also reported one of the problems they are finding with the new Bail Reform Law is that no one is reporting for court therefore the bench warrants have increased.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has had ninety-four alarms in January and twenty-three so far in February making a year to date total of one hundred seventeen which is ten more than last year at this time.

Chief Hallberg also reported that the Lakewood Fire Department has had six drills so far, which have covered their OCSA training and have had a CPR class. Also that he is currently working on his annual report and his budget.

Chief Hallberg thanked DPW Supervisor Tom Pilling for installing the LED lamps at the fire station and commented on how much brighter it was in the station.

FEBRUARY 10, 2020 (continued)

Village Treasurer Apryl L. Troutman reported the Village of Lakewood received its quarterly sales tax revenue check in the amount of \$ 183,729.84, for the months of November, December and January, which was an increase from the corresponding quarter last year. She also reported that the Village of Lakewood received \$ 11,099.00 from the County of Chautauqua for their local match for the Green Street Retrofit Project.

Village Clerk Mary B. Currie reported that she had received a call from Ms. Nicole Segrue asking if the Library Ambassador Youth race which was scheduled for June 6, 2020 could be switched to June 13, 2020.

Trustee Ellen E. Barnes explained a little more on the Bail Reform Act and how it is becoming difficult on the police officers, she is concerned that additional officers will need to be hired, which could become costly to tax payers throughout Chautauqua County as well as throughout New York State.

Trustee Ted McCague introduced Ms. Lisa Schmidfrerick Miller from the County Health Department and Mr. Ken Dahlgren from Roswell Park Cancer Institute, who were there to give a brief presentation on smoking policies for parks and buildings.

Mr. Ken Dahlgren began his presentation by sharing information on the surrounding municipalities in Chautauqua County that have no smoking in their parks as well as on municipal owned properties. Mr. Dahlgren also pointed out some of the benefits there are to having smoke free parks and how well it has been working.

Ms. Lisa Schmidfrerick-Miller began her presentation by giving some percentages of adult smoking in Chautauqua County and believes having ordinances for smoke free parks does decrease some of those numbers.

Ms. Schmidfrerick-Miller also has found that just having “No Smoking” or “No Tobacco” signs placed in the public area works well with self-policing the policy and strongly urges the board to consider a policy or resolution of some kind.

Mrs. Ruth Wahl, 106 Winchester Rd., thanked the Board of Trustees for their support in making our community healthier for children as well as adults.

Ms. Danielle Melville, 4 Winding Way, shared her personal experience of her children playing in the park while someone was smoking and the children finding cigarette butts on the ground. She feels adopting a policy or resolution is a logical step forward.

Dave Card, 38 Chautauqua Ave., said over the past few summers many people have complained to him about people who are smoking in the park during the Live on the Lake concerts.

Nancy Bargar, 11 E. Terrace Ave., pointed out how times have changed on smoking in public buildings over the years and encouraged the board to move forward and prepare a resolution on banning smoking in public parks.

Mayor Holcomb asked if a proposal/resolution should be for smoking or tobacco and should be banned on municipal owned properties, parking lots, sidewalks, parks and in cars parked in parking lots. He also asked if the ban should include vaping or smokeless tobacco.

Mr. Ken Dahlgren said each municipality can make the decision where to have no smoking or no tobacco use.

RESOLUTION #32-2020 – ADOPT NEW POLICY ON TOBACCO FREE PARKS

Motion by Trustee McCague, seconded by Trustee Schutte, to authorize Village Attorney John I. LaMancuso to draft a new village policy that designates all village parks non-smoking and tobacco free facilities effective immediately and to adopt that policy.

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

FEBRUARY 10, 2020 (continued)

RESOLUTION #33-2020 – AUTHORIZE GOVERNMENTAL ACCOUNTING TRAINING

Motion by Trustee Schutte, seconded by Trustee McCague, to authorize Village Treasurer Apryl L. Troutman to attend the OSC's Introduction to Governmental Accounting training to be held March 18-20, 2020 in Batavia, NY. Mrs. Troutman will be reimbursed for any training related expenses incurred.

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

RESOLUTION #34-2020 – CHANGE ORDER FROM BARTON & LOGUIDICE

Motion by Trustee Barnes, seconded by Trustee Schutte, to authorize the change order from Barton & Loguidice for an extra day of drilling that will increase the value of the Village's contract with Barton & Loguidice by \$ 2,400.00.

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

RESOLUTION #35-2020 – AUTHORIZE FUND TRANSFER

Motion by Trustee Schutte, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to transfer \$ 250.00 from General Fund Account A1990.4 [Contingent Account] to General Fund Account A8020.40, [Planning-Contractual], to pay Clinton Brown Co. for Grant Administration services, progress payment #11, relative to the NY Main Street Grant.

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

RESOLUTION #36-2020 – APPROVE 2020 DOCK PERMIT APPLICATIONS

Motion by Trustee Schutte, seconded by Trustee Fischer, to approve the following 2020 Dock Permit Applications as submitted by Mr. Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. right-of-way and Ms. Sherri Grask, 159 E. Terrace Ave., for the Glenwood Ave., right-of-way.

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

RESOLUTION #37-2020 – AUTHORIZE THE PURCHASE OF NEW COMPUTERS

Motion by Trustee Barnes, second by Trustee Fischer, to authorize the purchase of three (3) new computers for the village office staff, at a total cost of approximately \$4,477.00. The three (3) new Windows 10 computers will replace Windows 7 computers in the Village Clerk's and Village Treasurer's Offices.

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

RESOLUTION #38-2020 – AUTHORIZE REQUEST FOR BIDS RE: NEW POLICE DEPT. VEHICLES

Motion by Trustee Barnes, seconded by Trustee McCague, authorizing Police Chief John R. Bentley to request sealed bids for two (2) new marked Police Patrol Cars, which will be replacing L-1 and L-10. Bids will be received at or before 3:00 PM. Friday, February 21, 2020.

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

DISCUSSION – 2020 LAKE HERBICIDE TREATMENTS

The discussion on the application and management of the Herbicide treatment for Chautauqua Lake for 2020 began with Trustee Barnes reporting on what was discussed at the Chautauqua Lake Management Sub Committee Meeting she had recently attended. She believes the applications are starting to be put together, but thinks a lot will remain the same as last year. Trustee Barnes would like to see a Town Hall type meeting be scheduled again this year giving residents the opportunity to ask questions and receive information regarding the treatment.

Mr. Martin Willow, 97 E. Terrace Ave., spoke of certain areas on Chautauqua Lake that for years have had weeds and are considered fishing bars, last year there were no weeds in those areas. Mr. Willow questioned why they would treat an area that is a fishing bar and if they didn't treat it, then it must have been the result of the Herbicides "drifting" to those areas. Mr. Willow agrees that there are areas of Chautauqua Lake that need treatment but some of the areas they are treating should not be treated.

FEBRUARY 10, 2020 (continued)

Ms. Ruth Wahl, said she knows the lake has a problem with weeds but when she read the Fall Survey done by the Racine-Johnson Aquatic Ecologists she was alarmed. Ms. Wahl read some of the statements Bob Johnson had written in his survey in regards to the herbicide treatment in the lake.

RESOLUTION #39-2020 – ACCEPT RESIGNATION OF L-BPD POLICE OFFICER

Motion by Trustee Barnes, seconded by Trustee Schutte, for the Board of Trustees to accept the resignation of Part-Time Police Officer Nathan Vazquez who has moved to Cleveland, Ohio. Officer Vazquez has worked for the L-BPD since July 4, 2019.

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

RESOLUTION #40-2020 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Fischer, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make a mid-year budget transfer from A3620.12 (Fire Inspector Salary) to A3620.40 (Code Enforcement–Contractual) for a budget shortfall in the amount of \$ 501.21.

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

ANYONE TO BE HEARD

Mr. Dave Card, 38 Chautauqua Ave., commented that there is only one (1) “Chautauqua Ave.” street sign on all of Chautauqua Ave. and asked the Board of Trustees if there was any way some additional signs could be installed.

Trustee McCague said he had duly noted Mr. Card’s comments when he first made them and agreed there are a few things on Chautauqua Ave. that need improvement, and one of which are replacing those street signs. He said he has worked with the New York State Main Street people to possibly reallocate some funds from the grant for Streetscape improvements and is waiting to see if there will be any unused funds that could be used for various amenities for Chautauqua Ave., such as the street signs.

Trustee McCague also said he has photographed a few of the things in need of improving and has forwarded the photos to the grant administrator to see if there will be money for them.

RECESS

Motion by Trustee McCague, seconded by Trustee Schutte, to recess the regular meeting of the Board of Trustees at 7:40 PM, so as to enter into executive session to discuss ongoing litigation.

EXECUTIVE SESSION

Present at the executive session were Mayor Randall G. Holcomb, Trustee Ellen E. Barnes, Trustee Edward J. McCague, Trustee Douglas L. Schutte, Trustee R. Richard Fischer, Village Attorney John I. LaMancuso, Village Clerk Mary B. Currie and Zoning Board of Appeals Deputy Chairman, Gary Segrue. Motion by Trustee Schutte, seconded by Trustee Barnes, to adjourn the executive session at 8:45 PM.

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

Motion by Trustee Barnes, seconded by Trustee Fischer and unanimously carried the Board adjourned at 8:46 PM.

Mary B. Currie
Village Clerk