

**FEBRUARY 13, 2023**

The third regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, February 13, 2023, 6:30 PM, with Deputy Mayor Benjamin J. Troche presiding. Trustees present were Ellen E. Barnes, R. Richard Fischer and Nancy W. Jones. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, 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 was Mayor Randall G. Holcomb.

A work session was held and the decision was made to cease the broker relationship the Village has with USI Insurance and designate Emerson Reid as the broker for Univera Healthcare.

**RECESS**

Deputy Mayor Troche recessed the regular meeting of the Board of Trustees at 6:30 PM, so as to conduct a previously scheduled public hearing.

**PUBLIC HEARING – 6:30 PM  
SPECIAL USE PERMIT APPLICATION  
SHORT TERM RENTAL  
3 ALTA WAY**

Deputy Mayor Troche opened the public hearing at 6:31 PM for the Special Use Permit requested by Mr. Eric Lindquist regarding his proposal to utilize the single family residence at 3 Alta Way as a short term rental property.

Deputy Mayor Troche asked Mr. Lindquist if he would like to explain his request.

Mr. Lindquist indicated he would like to utilize his home at 3 Alta Way as a short term rental and said he has someone that lives in Ashville to maintain it.

Deputy Mayor Troche asked if there was anyone present who would like to speak for or against this proposal.

With no one to be heard, motion was made by Trustee Barnes, seconded by Trustee Jones, to close the public hearing at 6:33 PM and re-opened the regular meeting of the Board of Trustees.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #28-2023 – APPROVE SPECIAL USE PERMIT FOR SHORT TERM RENTAL**

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve a Special Use Permit, whereby Mr. Eric Lindquist will be permitted to establish a short term rental at 3 Alta Way. Mr. Lindquist will be required to follow all village regulations pertaining to short term rentals.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**APPROVAL OF MINUTES**

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees held January 23, 2023.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

February 13, 2023 (continued)

### **AUDIT OF CLAIMS**

Motion by Trustee Jones, seconded by Trustee Fischer, that the claims as audited by the Auditing Committee of the abstracts dated February 13, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#36 & #36) Trust & Agency Fund: \$ 65,757.62, (checks #7228 thru #7230) General Fund: \$ 5,290.35, (checks #19500 thru #19502), Abstracts (#38 & #38) Trust & Agency Fund: \$ 60,571.02, General Fund: \$ 382,927.27, (checks #19503 thru #19549), voided check #19529, ACH to M&T Bank.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

### **REPORTS**

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had five hundred eighty-eight incidents from January 23, 2023 to February 13, 2023 which included sixteen alarms, two hundred four business checks, ten well-being checks, six disorderly people, five larceny complaints, fourteen motor vehicle accidents, seven peace officer requests, sixty-nine property checks, eight shoplifting incidents, nine suspicious situations, seven vehicle complaints, fourteen parking complaints, ninety-four vehicle stops, twenty-four warrants that were served and/or entered into the system.

Chief DePonceau said the L-BPD is currently at one thousand one hundred three incidents year to date.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to one hundred eleven alarms year to date.

Chief Hallberg said the LFD is looking into the 10% property tax exemption for firefighters that was recently approved by the NYS Legislature and Gov. Hochul. He said Chautauqua County and the Town of Busti have gone ahead with plans to implement that program.

Chief Hallberg said the LFD is also looking into the Length of Service Award Program (LOSAP), which is basically like a retirement plan for firefighters.

Chief Hallberg said these are two things that the LFD will need to consider which could help improve the retention of firefighters.

Trustee Fischer said he read Chief Hallberg's annual report and commended him on what an excellent job he did on it.

Village Treasurer Apryl L. Troutman reported the village recently received the first quarter sales tax distribution from Chautauqua County in the amount of \$246,008.39. She also said the monthly cost of Zoom.us will be increasing by a dollar, bring the monthly cost from \$ 14.99 to \$ 15.99.

Treasurer Troutman said the New York State Society of Municipal Finance Officers is offering a mentoring program where she will be matched up with someone that's been in the treasurer position longer than she and has more years of experience. She said they will try to match her with a similar size municipality that uses the same software program that the Village of Lakewood uses. Ms. Troutman added she is just waiting to hear back from them.

Building Inspector Jeff Swanson reported that for several years he's been working on having the structure at 266 E. Fairmount Ave., razed and was happy to say, today it finally came down.

Mr. Swanson said work on the old church on Ohio Ave. has once again begun. He said he received two drawings for the old rectory and indicated once he has reviewed them he will hopefully be issuing a permit.

Mr. Swanson also reported he is currently working on the annual report for the Department of State.

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Trustee Barnes reported that the Chautauqua Lake Protection & Remediation Agency (CLPRA) has made the decision to not go forward with the special taxing districts for funding Chautauqua Lake and to take a slightly different approach.

Trustee Barnes said the CLPRA would like to continue working with lakeside municipalities, Chautauqua County and the State of New York, along with a consortium of scientists and engineers, plus a project manager to develop a Chautauqua Lake Management Plan.

A council might be set up and there would be a mission statement involved with it and said they also talked about different funding mechanisms. They would work from a plan, then we would know the costs and what is being funded. She said this would be a much more disciplined approach to what we're going to have to do.

Trustee Barnes said it's something for us to think about and if it's something we're going to want, then it's what we're going to do.

Trustee Barnes said Mr. Donald Emhardt, Town of Chautauqua Supervisor, has been pushing for boat user fees and said she thinks that is a great idea but doesn't think it would generate a significant amount of revenue, so it can't be the only funding. She said she knows Lake George has boat user fees, but doesn't know how much revenue they generate and said the idea has been brought up several times, but no one has really looked into it.

Trustee Barnes said there is going to be a public meeting this Saturday, February 18<sup>th</sup> at 10:30 AM in the Lawson Center, Bemus Point, where they will be discussing all of this, so if anyone is interested, she suggested going.

#### **RESOLUTION #29-2023 – APPROVE & ADOPT HISTORIC STRUCTURE REPORT**

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustee to approve and adopt the Historic Structure Report which was completed by the consultant's at Clinton Brown Company Architect, PC, Buffalo, NY.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

Deputy Mayor Troche thanked Mr. Ted McCague and the Historic Preservation Committee for all the hard work they have done on this project.

#### **RESOLUTION #30-2023 – AUTHORIZE PURCHASE OF A DUMP BODY**

Motion by Trustee Fischer, seconded by Trustee Barnes, to authorize DPW Supervisor Thomas R. Pilling to purchase a 9 ft. stainless steel dump body that will be installed on the 2011 Ford F-350, 4x4 Pickup Truck. The cost of the dump body will be \$ 16,500.00 and will be paid from the Capital Reserve, DPW Equipment fund, A-878.10.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

#### **RESOLUTION #31-2023 – AUTHORIZE ATTENDANCE TO FARMERS' MARKET MEETING**

Motion by Trustee Fischer, seconded by Trustee Barnes, to authorize Deputy Clerk/Events Coordinator Ms. Julie Toennis to attend the Chautauqua County Food Policy Council Meeting to be held Wednesday, February 15<sup>th</sup> from 2:00–4:00 PM, at the Park United Methodist Church, Cassadaga, NY. The meeting is being presented by the Chautauqua County Department of Planning and Development and will be discussing Farmers' Markets in Chautauqua County.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

February 13, 2023 (continued)

**RESOLUTION #32-2023 – APPROVE THE 2023 SUMMERFEST / 4<sup>TH</sup> OF JULY CELEBRATION**

Motion by Trustee Fischer, seconded by Trustee Jones, to approve the 2023 Summerfest/4<sup>th</sup> of July celebration and fireworks display to be held at Richard O. Hartley Park on Tuesday, July 4, 2023.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #33-2023 – AUTHORIZE REVENUE ACCOUNT TO GENERAL FUND**

Motion by Trustee Fischer, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to add the following revenue account to the General Fund: A101640.00 {Ambulance Charges}.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #34-2023 – AUTHORIZE MID-YEAR BUDGET TRANSFER**

Motion by Trustee Jones, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L Troutman to make the following mid-year budget transfer for a budget shortfall: \$ 194.84 from A1990.40 {Contingent Account – Contractual} and \$ 2.66 from A1680.40 {Central Data Processing} to A1420.40 {Law – Contractual}.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #35-2023 - 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: \$ 2,000.00 from A3120.10 {Police – Salaries} to A3120.11 {Police – Salaries – Overtime}.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #36-2023 – AUTHORIZE BUDGET MODIFICATION**

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following budget modification to pay for the WatchGuard invoice: Increase expenditure account A3120.20 {Police – Equipment} by \$ 21,960.00, decrease expenditure account A7140.11 {Playgrounds – Lifeguard Salary} by \$ 17,400.00 and decrease expenditure account A3120.40 {Police – Contractual} by \$ 4,560.00.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #37-2023 – AUTHORIZE BUDGET MODIFICATION**

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following budget modification: Increase expenditure account A3410.49 {LFD- EMS Supplies} by \$ 5,000.00, decrease expenditure account A3410.43 {LFD – Equipment Maintenance} by \$ 5,000.00.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #38-2023 - APPROVE NEW FIRE DEPARTMENT MEMBER**

Motion by Trustee Jones, seconded by Trustee Barnes, that the Board of Trustees, acting as the Board of Fire Commissioners, to approve Ms. Brigitte Hirschman, 31 Harlem Ave., as a new member of the Lakewood Volunteer Fire Department.  
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

February 13, 2023 (continued)

**DISCUSSION ON OPENING THE BEACH FOR THE 2023 SUMMER SEASON**

Trustee Jones said she has been busy working on reopening the beach and not just the kiddie pool portion of it. She said she talked to Mr. Joseph M. Johnson, past Village Clerk, who indicated the Village of Lakewood will need to apply for a Public Bathing Beach Permit through the Chautauqua County Health Department.

Trustee Jones said she also talked with the Chautauqua County Health Department and they will be sending her all the information she will need as far as the lifeguards are concerned. She said they will also be sending her their policy, as well as the rules and regulations and the laws New York State has.

Trustee Jones said the Board of Trustees will need to figure out what they would like to do about paying for the kids to take the lifeguard certification course and the contingency they will need to sign to work for the village. She said Village Attorney LaMancuso has agreed to help her put something together for them to sign, so the village will pay for the course.

Trustee Jones said she has talked with the local schools and indicated Jamestown Community College will be conducting a Lifeguard/CPR course and it will start around the middle of March. She said Mr. Alex Watkins will be the one running the program and said he's very excited about getting it up and going. Mr. Watkins also said he may have some foreign students that stay here all summer and thought they might be interested in lifeguarding.

Trustee Jones also said Southwestern Central School is very interested in helping with this endeavor. She said the school Superintendent, Mrs. Maureen Donahue, thought it is a good idea to possibly see if some art students would be interested in making some posters promoting the Beach/Park. Trustee Jones wondered if the village board could come up with a \$25 prize.

Trustee Jones said if the Village of Lakewood decides to move forward to open the beach for swimming this summer, it could be the only public beach on the lake.

Trustee Jones said she talked to a Village of Mayville official, as well as some of the other areas around the lake, and they said they were not planning to open their beaches. She also noted with Lakewood having such a beautiful beach house and the new playground at Hartley Park, it would make sense to have the beach open on the belief that there will be an influx of visitors/families to the park who will want to use the facilities.

Trustee Jones said the Board of Trustees will need to figure out how many days the beach will be open and what the hours will be. She said Mayville and Chautauqua indicated to her that if Lakewood can't hire lifeguards for 40 hours a week, they would be interested in helping the kids pick up extra hours.

Trustee Jones said another thing the Board of Trustees will need to figure out will be a dock. The Lakewood Fire Company is now using the beach dock for their fire boat and she doesn't think that should be taken away from them.

Trustee Jones said she talked to someone in Mayville and was told they don't charge people to use their beach. She said she thinks charging is a lot of extra work for people in the office and whoever is working at the beach. By not charging, the lifeguards won't have to deal with having money and making change, but that is also up for discussion. She said this is something we really have to get going on and would appreciate any help we can get.

**ANYONE TO BE HEARD**

Dr. R.G. Witchey, 2 Atlantic Ave., appeared before the Board of Trustees as a member of the Short Term Rental Committee and read a letter stating some concerns that a few of the committee members have.

February 13, 2023 (continued)

When the Short Term Rental Committee was appointed last summer, we were asked to help lead an effort to examine the issues around Short Term Rentals in the village and to make recommendations to develop policies and procedures to address the issues. The committee members each have experience and perspective which should be useful in developing solutions.

It has been difficult for the committee members to contribute to the process. Serving on a committee usually entails hands-on work, investigating and understanding the issues, and researching solutions, ultimately making recommendations. This kind of engagement creates buy-in which is a critical aspect of creating new policies and procedures. The committee has not been engaged in this way; the committee members are essentially observers of the work taking place between the consultants in the Village Board of Trustees. We urge the Trustees to engage the committee more fully. Examples of committee engagement to date might have included: interviewing committee members, facilitating conversations between the committee and the consultants, and allowing committee members to participate in the village tour with the consultants. This kind of engagement might have allowed the consultants to better understand Lakewood, our residents, and the issues specific to our community posed by short term rentals. Further, it helps to build buy-in.

It appears to committee members that the Trustees may be moving ahead with an agenda without adequate regard to or input from the committee members. A recent example this occurred last week when the consultants met with the Trustees at the regularly scheduled meeting but failed to notify the committee that the meeting was taking place or to encourage their attendance and participation. The headline in The Post-Journal reviewing the meeting said that the Lakewood Village Board of Trustees is moving ahead with short term rentals – which was certainly news to the committee members! A few days later, a Post-Journal article with the mayor and one Trustee was also a surprise to the committee. If we are to support the work, we need to be kept informed and included in the process.

The committee would like to play a useful role in the work. Our engagement is critical to the goal of well-informed outcomes which are supported by the committee and ultimately by the community. We look forward to hearing how we may be more engaged and useful to the process.

Carrie Cadwell Brown  
Bob Scott  
R.G. Witchey

### **RECESS**

Motion by Trustee Barnes, seconded by Trustee Fischer, to recess the regular meeting at 7:08 PM, so as to enter into executive session to discuss a personnel matter.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

### **EXECUTIVE SESSION**

Present at the executive session, were Deputy Mayor Benjamin J. Troche, Trustee Ellen E. Barnes, Trustee R. Richard Fischer, Trustee Nancy W. Jones, Village Attorney John I. LaMancuso, Police Chief Christopher DePonceau, Village Clerk Mary B. Currie and Village Treasurer Apryl L. Troutman.

### **EXECUTIVE SESSION (Adjournment)**

Motion by Trustee Fischer, seconded by Trustee Jones and unanimously carried to adjourn the executive session and the regular meeting of the Board of Trustees at 7:55 PM.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

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Mary B. Currie  
Village Clerk