

FEBRUARY 14, 2022

The third regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, February 14, 2022, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees Ellen E. Barnes, R. Richard Fischer, Nancy W. Jones and Benjamin J. Troche were also present. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Police Chief Christopher DePonceau, Village Attorney John I. LaMancuso, DPW Supervisor Thomas Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Fischer, to approve the minutes of the last regular meeting of the Board of Trustees held January 24, 2022.

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

AUDIT OF CLAIMS

Motion by Trustee Fischer, seconded by Trustee Jones, that the claims as audited by the Auditing Committee of the abstracts dated February 14, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#38 & #38, month end) Trust & Agency Fund: \$ 64,726.95, (checks #6280 thru #6283), General Fund: \$ 5,130.46, (checks #18555 thru #18558). Abstracts (#40 & #40) Trust & Agency Fund: \$ 56,052.79, (check #6318), General Fund: \$ 197,796.04, (checks #18560 thru #18610) Voided checks #18588 & #18589, ACH M&T Bank.

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

REPORTS

DPW Supervisor Thomas R. Pilling did not have a report but asked if there has been anything done about signs for the flower pots on Chautauqua Ave., making people aware of the extra curb.

Mayor Holcomb said there have been no more reports of people falling since the railings were attached to the flower pots, so no signs have been ordered.

Trustee Barnes suggested lights be placed in the flower pots that could light up the curb at night.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had one thousand twenty-eight incidents from January 10, 2022 to February 14, 2022. He said of those they have had two hundred forty-two business checks, thirty-eight accidents, eighty-six were property checks, one hundred eighty-nine vehicle and traffic violations and fifty warrants processed.

Chief DePonceau also reported he will not be requesting bids for new police patrol cars at this time. He said Dodge is not taking orders for cars right now because they are unable to fulfill them and requested encumbering the funds from this year's budget so they can be ordered at a later date.

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

Chief Hallberg said the Fire Department is in the process of aggressively exploring all options of ambulance billing and what is available that would create the least amount of work involved and the best revenue for the village.

Village Attorney John I. LaMancuso said he will confirm with Mark C. Butler, Esq., Snyder, NY, specializing in Fire & Emergency Services, his availability to attend the work session, via zoom.us, on February 28, 2022 to discuss ambulance billing.

February 14, 2022 (continued)

Village Treasurer Apryl L. Troutman reported she has received the third sales tax distribution from Chautauqua County for the current fiscal year. She said the payment amount is \$220,802.59, which exceeds the estimated budget of \$ 700,000.00 by \$ 2,536.00 for the year, so the fourth payment will be all in excess of what was budgeted.

Building Inspector Jeff Swanson reported that earlier in the day he discovered the Noise Ordinance for the Village of Lakewood was amended by Local Law in April 2019 but was never updated in Zoning Code #25. He said the Special Music Permit application submitted by the Lakewood Rod & Gun Club will be in compliance with their request to have music until 11 PM on Saturdays this summer.

Trustee Barnes said there are a lot of things that need to be revisited with the village codes and work on updating Zoning Code #25.

Trustee Barnes asked Police Chief DePonceau if he knows of any grants available for monitoring equipment that could be placed in the village parks.

Mr. Ted McCague said in the budget preparations for the LWRP grant they included a provision for security at the new playground, so cameras will be eligible under that grant.

RESOLUTION #20-2022 – APPROVE SPECIAL MUSIC PERMIT

Motion by Trustee Barnes, seconded by Trustee Jones, for the Board of Trustees to approve the Special Music Permit application, as submitted by the Lakewood Rod & Gun Club, 433 E. Terrace Ave., to schedule music outdoors for the months June thru September 2022. Bands performing and/or music outside at the Rod & Gun Club will play no later than 8:00 PM on weekdays and no later than 11:00 PM on Saturdays.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

RESOLUTION #21-2022 – AUTHORIZE MID-YEAR FUND TRANSFER

Motion by Trustee Troche, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year fund transfers to pay for the WatchGuard/US Bank invoice for the LBPD: \$ 10,635.53 from T1093.20 {Police-Federal Forfeiture} and \$ 11,325.11 from A899.10 {Restricted Fund Balance (DWI)} to A3120.20 {Police-Equipment}.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

RESOLUTION #22-2022 – AUTHORIZE MID-YEAR FUND TRANSFER

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year fund transfer due to a budget shortfall: \$ 5,116.50 from A-1990.40 {Contingent Account} to A-3620.12 {Fire Inspection Salary}.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

RESOLUTION #23-2022 – AUTHORIZE BARTON & LOGUIDICE AMENDMENT #4

Motion by Trustee Barnes, seconded by Trustee Troche, for the Board of Trustees to approve Barton & Loguidice Amendment #4, changing the termination date of Lakewood GIGP 1597 Agreement, from December 31, 2021 to May 31, 2022.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

February 14, 2022 (continued)

There was discussion on how much sediment has been saved from reaching the lake since the Chautauqua Ave. project has been completed.

Mr. Michael Looker, 15 Owana Way, asked if the village knows how much the Chautauqua Ave. Project ended up costing village residents.

Treasurer Troutman said she is still waiting for the final paperwork on that project to be completed before she will be able to provide that figure.

Trustee Barnes said a large amount of the CHIPS money was used towards that project which should keep that number down.

RESOLUTION #24-2022 – AUTHORIZE LCDC TO SEEK LAND SURVEYOR SERVICE

Motion by Trustee Fischer, seconded by Trustee Jones, for the Board of Trustees to authorize the Lakewood Community Development Corporation to seek and retain the services of a certified land surveyor service to conduct necessary survey work in connection with the Hartley Park Playground Project.

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

RESOLUTION #25-2022 – APPROVE AGREEMENT WITH COUNTY FOR GRANDVIEW STORMWATER MANAGEMENT PROJECT

Motion by Trustee Jones, seconded by Trustee Barnes, for the Board of Trustees to approve the agreement between Chautauqua County and the Village of Lakewood for the Grandview Stormwater Management Project and authorize Mayor Holcomb to execute the same. The allocated ARPA funds will be used to manage and reduce excessive stormwater flows from the Grandview Residential Subdivision.

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

Mr. Ted McCague, Chairman for the Historic Preservation Steering Committee, said the committee would like to get a request for determination on the eligibility of the Anthony C. Caprino Municipal Building for historic preservation and apply for the Preserve New York Grant for 2022, which will allow them to get grant money for the preservation of the building.

Trustee Fischer asked if preservations would only be for the original part of the building or if the addition would be included.

Mr. Clinton Brown, President Clinton Brown Company Architecture, PC, Buffalo, N.Y., said as far as the Historic Preservations point of view, there isn't a difference between the original building and subsequent additions, they would be looking at the entire complex.

RESOLUTION #26-2022 – AUTHORIZE PRESERVE NY GRANT APPLICATION & HISTORIC STRUCTURE REPORT

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize Clinton Brown Company Architecture, PC, Buffalo, N.Y., to prepare and submit a Preserve NY Grant application and to prepare a Historic Structure Report for the Anthony C. Caprino Municipal Building.

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

February 14, 2022 (continued)

RESOLUTION #27-2022 – AUTHORIZE CLINTON BROWN CO. TO PREPARE & SUBMIT DOE

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to authorize retaining the professional consultant services of Clinton Brown Company Architecture, PC, (CBCA) Buffalo, N.Y., to prepare and submit a Request for Determination of Eligibility (DOE) application pertaining to Lakewood's Village Hall per the terms and conditions expressly stated in their agreement letter, CBCA 20-051 B, dated January 20, 2022, and authorize Mayor Holcomb to execute the same. CBCA will perform the scope of services for an initial and minimum retainer of \$ 1,000.00 and then on an hourly basis at their normal hourly rates to a budget, not to exceed \$ 3,500.00.

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

RESOLUTION #28-2022 – AUTHORIZE CLINTON BROWN CO. TO PREPARE HISTORIC STRUCTURE REPORT & NYPL PRESERVE GRANT APPLICATION

Motion by Trustee Fischer, seconded by Trustee Troche, for the Board of Trustees to authorize retaining the professional services of Clinton Brown Company Architecture, PC, (CBCA) Buffalo, N.Y., to prepare and submit a New York Preservation League Preserve New York 2022 grant application. If awarded, CBCA will prepare a Historic Structure Report for the Anthony C. Caprino Municipal Building, 20 W. Summit St. on behalf of the Village of Lakewood, per the terms and conditions expressly stated in letter, CBCA 20-051 C, Dated January 20, 2022 and authorize Mayor Holcomb to execute the same.

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

ANYONE TO BE HEARD

Mr. Michael Looker, 15 Owana Way, asked if there has ever been a vote taken by the Board of Trustees to preserve the Anthony C. Caprino Municipal Building as opposed to building a new building.

Mayor Holcomb said there has never been discussion of building a new building, we are working on preserving the building right now.

Trustee Barnes said there was a structural report done on this building years ago.

Mr. McCague said when the board engaged in the comprehensive planning process in 2014, a series of public input sessions, in different formats, were held. During those sessions numerous residents expressed their concerns about the future of the Caprino Municipal Building because it is recognized as an iconic symbol of the Village. The land and the original building were gifts from the Packard family and many people wanted to see it preserved. Because of that the Comprehensive Plan reflects the preservation of the Caprino Building.

Mr. McCague said he has an overwhelming amount of comments that were made by the residents at that time, if anyone would like to see them.

Ms. Rose Colucci, 216 Dearing Ave., Jamestown, N.Y., appeared before Mayor Holcomb and the Board of Trustees and said she received a letter from the Village of Lakewood saying there had been a complaint about her dog being aggressive and she and her dog have been banned from the dog park. She indicated she has been visiting the dog park for 3 years now and she takes pride in the park. Ms. Colucci said she not only picks up after her own dog but other dogs as well, sometimes she has even shoveled snow around the gate in order to enter the park.

Numerous times Ms. Colucci referred to a policy change that she said she knows nothing about and feels if that is the case then the village should let people using the park know about it, before it goes into effect.

Ms. Colucci felt she had been wrongfully banned from the park because her side of the story wasn't heard before a decision was made.

February 14, 2022 (continued)

Ms. Cynthia Cox, Dunham Ave., Celoron, N.Y., said it was her dog that was attacked by Ms. Colucci's dog and said since she started going to the dog park in October 2021 there have been several incidents, that she knows of, where dogs were attacked by Ms. Colucci's and Ms. Linda DiDomizio's dogs.

Ms. Cox said her six month old puppy was attacked by Ms. Colucci's dog on two separate occasions and said the first time Ms. DiDomizio's dog was also in on the attack. Ms. Cox said her dog was hurt in the most recent attack and Ms. Colucci and Ms. DiDomizio never made an attempt to help break-up the dog fight. Instead, they just sat wrapped-up in blankets inside the gazebo. She feels they treat the park as more of a "social club" than a dog park.

Ms. Cox thought it would be courteous of them not to enter the park if she is there when they arrive, giving her time to leave and she would be happy to do the same.

Ms. Linda DiDomizio, 167 Colfax St., Jamestown, said on the day of the complaint, she hadn't even entered through the gate of the dog park until Ms. Cox was walking out and indicated the fighting incident happened in July and not October. Ms. DiDomizio said her dog never had any interaction with Ms. Cox's dog.

Ms. Cox reiterated that she had never attended the park until October.

Trustee Barnes confirmed with Village Attorney LaMancuso that there haven't been any policy changes. She agreed that Ms. DiDomizio and Ms. Colucci were not given due process and that the board needs to put something different in place. Ms. Barnes asked that the ladies give the board some time to work on a new process for banning people from the park.

Mr. LaMancuso said he agrees both parties should be heard and that any new changes in the Rules & Regulation for the Bark Park need to be put into place.

Ms. Barnes asked Mr. LaMancuso if this is something the Dog Warden can work on if she were compensated.

Mr. LaMancuso said the Dog Warden could be involved and the new process could be based off the grievance to determine if someone and their dog are banned for good or for a certain length of time.

Trustee Jones suggested that people start taking pictures with their phones when something is happening so there is proof.

Motion by Mayor Holcomb, seconded by Trustee Fischer and unanimously carried the Board adjourned at 7:37 PM.

Mary B. Currie
Village Clerk