

FEBRUARY 28, 2022

The fourth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, February 28, 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 A. DePonceau, Village Attorney John I. LaMancuso, DPW Supervisor Thomas R. Pilling and Fire Chief Kurt Hallberg. Absent was Building Inspector Jeff Swanson.

### **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 February 14, 2022.

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

### **AUDIT OF CLAIMS**

Motion by Trustee Barnes, seconded by Trustee Troche, that the claims as audited by the Auditing Committee of the abstracts dated February 28, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#42 & #42) Trust & Agency Fund: \$ 61,936.00, (checks #6353 thru #6356), General Fund: \$ 80,666.02, (checks #18611 thru #18641).

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

### **REPORTS**

DPW Supervisor Thomas R. Pilling reported his crew just finished painting the upstairs of the Anthony C. Caprino Municipal Building.

Supervisor Pilling said he would like to amend Article VIII, Section 6 of the Personnel Polices and Procedure (Boot Allowance) to include clothing and increase the annual amount from \$150.00, for boots, to \$ 400.00 for boots and clothing. He said if he does not renew the contract with Cintas, Erie, PA, the village should save approximately \$4,600.00 per year.

Mr. Pilling said he has a surplus of equipment that has built up at the DPW garage and said he would like to sell it on Auctions International. He indicated he would like to use any money he might get from the sale towards the purchase of a new one ton dump truck.

Supervisor Pilling said in his budget request he included a new dump truck, if that is approved he would like to order it soon, he indicated trucks are taking approximately a year and a half to come in, once ordered.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had three hundred sixty-five incidents from February 14, 2022 to February 28, 2022. He said of those they have had sixty-six business checks, forty-five property checks, fifty-six vehicle and traffic violations, twelve shoplifting incidents and twenty warrants were processed.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to one hundred sixty-five alarms year to date, eighty-five of which have been in the month of February. Chief Hallberg said he has been working on his annual report and will be submitting it to Mayor Holcomb and members of the Board of Trustees shortly.

Trustee Ben Troche asked Chief Hallberg if he has an updated status of the new ambulance.

Chief Hallberg said he hasn't heard anything from the company recently and indicated he will look into it.

Village Clerk Mary B. Currie thanked DPW Supervisor Pilling and his crew for painting the upstairs of the Anthony C. Caprino Municipal Building and for the new flooring they installed in the ladies room at the Village Hall, she said they did a wonderful job.

FEBRUARY 28, 2022 (continued)

**RESOLUTION #25-2022 – APPROVE 4<sup>th</sup> OF JULY FIREWORKS DISPLAY CONTRACT**

Motion by Trustee Troche, seconded by Trustee Jones, to approve the contract between the Village of Lakewood and Zambelli Fireworks Mfg., Co., New Castle, PA regarding this year's Fireworks display to be held in conjunction with the 4<sup>th</sup> of July Summerfest, Monday, July 4, 2022. Cost of the fireworks display will be \$ 14,750.00.

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

**RESOLUTION #26-2022 – AUTHORIZE THE TRANSFER OF LFD AMBULANCE 372 TO CHAUTAUQUA COUNTY EMERGENCY MEDICAL SERVICES**

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Lakewood Volunteer Fire Department to transfer Ambulance 372, 2006 Ford F-450 Road Rescue, which is registered in the Village of Lakewood's name, to the Chautauqua County Emergency Medical Services, once the LFD places their new ambulance into service.

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

**DISCUSSION – CHAUTAUQUA AVE. GREEN ST. RETROFIT PROJECT FINANCIALS**

Village Treasurer Troutman said the village received a final invoice from Barton & Loguidice, Buffalo, N.Y. earlier this week for the Chautauqua Ave. Retrofit Project and inquired as to where the funds should come from to close out the project. She said she met with Mr. Randall Perry and Mr. Taylor West, Chautauqua Lake Management Alliance, they reviewed and concurred with the financial summary for the project.

Treasurer Troutman said there is \$ 22,107.00 of expenditures that will require a funding source and recommended using some of the

\$ 25,591.91 remaining/unallocated ARPA funds to cover that.

**RESOLUTION #27-2022 – AUTHORIZE FUND TRANSFER & PAYMENT FOR**

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to modify Revenue account A103997-10 and Expenditure account A8745-41 to actual; \$ 635,512.52 and use \$ 22,107.00 of the current \$ 25,591.91 ARPA funds the village has, to pay the remaining balance of the Chautauqua Ave. Green Street Retrofit Project.

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

Mr. Michael Looker, 15 Owana Way, asked what the original cost to the tax payers was and what the final cost to the tax payers is for the Chautauqua Ave. project.

Treasurer Troutman said originally there wasn't a financial obligation for the tax payers, there was in kind service by the DPW, which was \$ 44,856.42 worth of work that was done by them. She said there were multiple change orders which arose and some of the APRA funds were used to fund them. The total amount funded by the village ended up being \$28,320.00, which came from the unassigned fund balance.

**ANYONE TO BE HEARD**

Ms. Linda DiDomizio, 167 Colfax Ave., Jamestown, N.Y., appeared again before Mayor Holcomb and the Board of Trustees wishing to protest being banned from the Dog Park and indicated she did not agree with the way the village handled the whole incident. Ms. DiDomizio reiterated her side of the story which she told to the Board of Trustees on February 14, 2022.

Ms. Rose Colucci, 216 Dearing Ave., Jamestown, N.Y., also appeared once again to plead her case to the Board of Trustees and read a letter she received from Happy Hounds Hotel and Day Spa, 333 E. Fairmount Ave., Lakewood, stating her dog, Luna, has always been well behaved with no incidents of aggression when staying at their Hotel. Ms. Colucci also read a letter Mr. Carl Frantz asked her to read to the Board of Trustees.

FEBRUARY 28, 2022 (continued)

Ms. Heather Greenfield, Jamestown, N.Y., appeared to speak on behalf of her mother, Ms. Kay Dankovich, West Ellicott, Jamestown, who had some comments about the recent incident involving Ms. Colucci and Ms. DiDomizio being banned from the dog park.

Ms. Greenfield said her mother has never seen the dogs in question being aggressive and commented on the vulgar language Ms. Cynthia Cox uses while at the Dog Park. She said her mother has a few concerns she would like to address to the board such as why the list of people registered for the park was given out, why was she told if there's a problem to call the police and why are some complaints followed up, while others are not.

Ms. Greenfield asked Police Chief DePonceau what people should do when they are verbally or potentially abused or attacked while at the Dog Park.

Chief DePonceau said if it gets to that point, they should definitely call the police, it is better to be safe than sorry.

Trustee Barnes said the Village Attorney will be working on updating the rules for the park as well as a new contract for people to fill out when registering for the park.

Mayor Holcomb said he and the Board of Trustees will be discussing Ms. Colucci and Ms. DiDomizio being banned from the park in the executive session and they are welcome to call the Village Clerk's Office in the morning to find out if the ban has been lifted.

Mr. Michael Looker, 15 Owana Way, submitted an e-mail to the Board of Trustees asking if with the new board, will they now end the Spectrum Franchise tax and move the new budget to the property tax line. He also asked if anyone has told the merchants on Chautauqua Ave. that they need to report sidewalk accidents to the board because they clearly don't know this. Mr. Looker's final question was if there will be anything done about opening the beach at Hartley Park this summer.

Mayor Holcomb indicated to Mr. Looker that the public bathing beach at Hartley Park has been closed the past two summers due to unsafe water conditions, which are monitored by the Chautauqua Co. Health Department and due to the lack of lifeguards. He then noted last year lifeguard positions were advertised however no one applied. Mayor Holcomb added he is hopeful to reopen the beach this summer.

Trustee Fischer said since COVID, there has not been any Red Cross classes to certify lifeguards. He said he talked to Mayville and they said they had the same problem with their beach.

After much discussion about the Spectrum Franchise tax and how unfair Mr. Looker feels it is, Mayor Holcomb said the Board of Trustees previously voted to keep the Spectrum Franchise tax, therefore it will be remaining the same as it has been.

Mr. Looker said he wants to know if any of the board members have gone to the Merchants on Chautauqua Ave. and told them if there are any accidents on the sidewalks, they have to report it to the board.

Trustee Barnes said it should be the responsibility of the person who falls to report it to the village, it shouldn't be up to the Merchants to report it.

Attorney LaMancuso said it should be up to the individual who has fallen or been injured to file a Notice of Claim with the village within 90 days of the incident.

Motion by Trustee Troche, seconded by Trustee Barnes, to recess the regular meeting at 7:20 PM, so as to enter into executive session to discuss a personnel matter.

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

FEBRUARY 28, 2022 (continued)

**EXECUTIVE SESSION**

Present at the executive session, were Mayor Randall G. Holcomb, Trustee Ellen E. Barnes, Trustee R. Richard Fischer, Trustee Nancy W. Jones, Trustee Benjamin J. Troche and Village Attorney John I. LaMancuso.

**EXECUTIVE SESSION (Adjournment)**

Motion by Trustee Barnes, seconded by Trustee Jones and unanimously carried to adjourn the executive session and re-open the regular meeting of the Board of Trustees at 8:04 PM.

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

**RESOLUTION #28-2022 – APPROVE ANNUAL WAGE INCREASE FOR VILLAGE TREASURER**

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve an annual wage increase for Village Treasurer Apryl L. Troutman from \$ 43,168.00 to \$ 47,000.00. The funds to cover the increase will be transferred from account A-9010.80 to A-1325.10 and will be effective retroactive to February 23, 2022.

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

**RESOLUTION #29-2022 – APPROVE ANNUAL WAGE INCREASE FOR VILLAGE CLERK**

Motion by Trustee Troche, seconded by Trustee Fischer, to approve an annual wage increase for Village Clerk, Mary B. Currie from \$ 52,431.00 to \$ 55,000.00. The funds to cover the increase will be transferred from account A-9010.80 to A-1410.10 and will be effective retroactive to February 23, 2022.

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

Motion by Trustee Barnes, seconded by Trustee Troche and unanimously carried the Board adjourned at 8:07 PM.

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Mary B. Currie  
Village Clerk