

MARCH 8, 2021

The fifth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, March 8, 2021, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes and R. Richard Fischer. Trustees Edward J. McCague and Douglas L. Schutte participated via Zoom.us along with Fire Chief Kurt Hallberg. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Attorney John I. LaMancuso and Police Chief Christopher DePonceau. Absent were DPW Supervisor Thomas R. Pilling and Building Inspector Jeffery Swanson.

APPROVAL OF MINUTES

Motion by Trustee McCague, seconded by Trustee Fischer, to approve the minutes, of the last regular meeting of the Board of Trustees held February 22, 2021.

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

AUDIT OF CLAIMS

Motion by Trustee Fischer, seconded by Trustee Schutte, that the claims as audited and amended by the Board of Trustees for the abstracts dated March 8, 2021, be approved and that the Clerk shall execute said abstracts (#42, #42 and #43) and direct payment by the Treasurer. General Fund (month end): \$19,435.32 (Checks #17675 through #17678) Trust & Agency Fund: \$53,787.03, (Checks #5373 through #5377), General Fund: \$66,936.94, (Checks #17679 through #17723). Voided check #17709, ACH, M&T Bank.

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

REPORTS

DPW Supervisor Thomas Pilling submitted his report stating all maintenance has been performed on the equipment and vehicles for the DPW and his department has begun road edge trimming of trees, limbs and bushes.

Police Chief Christopher L. DePonceau reported the Lakewood-Busti Police Department responded to three hundred one incidents for the period of February 22, 2021 to March 8, 2021.

Chief DePonceau said he has prepared and submitted his Annual Report to the Board of Trustees.

Village Treasurer Apryl L. Troutman reported the village has received reimbursement from Southwestern Central School for some materials and labor the village contributed towards the installation of the joint Fuel Farm Facility on Packard Ave.

Ms. Troutman said she and Deputy Clerk Jackie Hyser have begun using the Remote Capture Device and are now able to make deposits to the bank as soon as checks come in.

Building Inspector Jeff Swanson reported he has received plans for the new Ollies Store, which will be coming to the Office Max location in the Chautauqua Mall. Mr. Swanson noted he expects to begin reviewing the plans for the re-model this week.

Mr. Swanson said he is starting to receive quite a few questions about construction for private projects and thinks it is going to be a busy construction season.

Mayor Holcomb reported he has received the resignation of Ms. Ruth Wahl as a committee member for the Farmers Market. He said he has been in contact with Ms. Kim Carlson, owner of Pea Pod & Juniper Flower Shop on Chautauqua Ave. and is happy to announce, she has agreed to become the Farmers Market Manager.

Trustee Ellen Barnes reported she attended a meeting on the review and update of the current Lake Management, Memorandum of Agreement, soon be changed to Memorandum of Understanding. She said the meeting was on the proposed amendments to the document and believes they were good changes. Trustee Barnes noted as soon as she receives an amended draft, it will be sent to Mayor Holcomb and the other Trustees for their review.

MARCH 8, 2021 (continued)

RESOLUTION #48-2021 – APPROVE THE PURCHASE OF 2021 DODGE CHARGER PURSUITS

Motion by Trustee Schutte, seconded by Trustee Fischer, for the Board of Trustees to approve the purchase of two (2) marked 2021 Dodge Charger Pursuit police cars from Dave Warren Chrysler Dodge Jeep Ram, Jamestown, New York at the total cost of \$ 33,774.00.

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

RESOLUTION #49-2021 – AUTHORIZE MID-YEAR BUDGET TRANSFERS

Motion by Trustee Barnes, 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 transfers for budget shortfalls, \$ 5,000.00 from A-5142.40 {Snow Removal – Contractual} to A-5110.43 {Street Maintenance – Vehicle Maintenance} and \$ 550.00 from A-3120.40 {Police – Contractual} to A-3120.45 {Police Winter Clothing Allowance}.

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

RECESS

Motion by Trustee McCague, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees so as to conduct a Public Hearing.

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

**PUBLIC HEARING: 6:45 PM
PROPOSED LOCAL LAW #1-2021
ABOLISH THE PLANNING BOARD**

Mayor Holcomb opened the public hearing at 6:45 PM on the proposed amendments to the local zoning law [Chapter #25] and Local Law #1-2021, to abolish its Planning Board and transfer its responsibilities to the Zoning Board of Appeals.

Mayor Holcomb began by saying the reasons the village is proposing the abolishment of its Planning Board is because it is getting more difficult to find residents to serve on the board. Mayor Holcomb said he has been in contact with the Town of Ellicott, who went through this process a few years ago, and indicated they have not had any problems since doing so.

Mayor Holcomb also thought it would be much better for the residents only having to go to one Public Hearing on their proposals than having to attend two.

Mayor Holcomb asked if there was anyone in attendance who would like to comment on this proposed Local Law.

Mr. Michael Looker, 15 Owana Way, said he is in agreement with abolishing the Planning Board.

Mayor Holcomb read some of the comments received from Chautauqua County Division of Planning and Community Development, RE: Municipal Zoning Referral Form on Local Law #1-2021 and said it will be on file at the Office of the Village Clerk, if anyone would like to see it.

Mr. Martin Idzik, 112 W. Terrace Ave., Chairman of the Planning Board said he is not opposed to the elimination of the Planning Board and suggested John Jablonski, Planning Board member, to be considered to be placed on the Zoning Board of Appeals.

Trustee Schutte said since the Zoning Board of Appeals and the Planning Board are two totally different boards in what they do, he thinks it would be wise to have enough diversity in the new group to cover the span of thinking to make informed decisions.

Trustee McCague asked if there is a plan in place as far as how many members will be on this board and if the present members have been made aware they may be displaced.

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Mr. McCague indicated he is not comfortable with where this is going and believes there are a lot more questions to be answered as well as a more tentative plan to be laid out, before any final decisions are made.

With no one else to be heard, Mayor Holcomb closed the public hearing at 7:15 PM, and proceeded to re-open the regular meeting.

RESOLUTION #50-2021 – APPROVE SEQRA RELATING TO PROPOSED LOCAL LAW #1-2021

Motion by Mayor Holcomb, seconded by Trustee Fischer, for the Board of Trustees to approve the SEQRA form relating to the abolishment of the Planning Board as proposed by Local Law #1-2021 and amending Chapter #25 of the Village Zoning Code.

Adopted: 3 ayes, (Barnes, Fischer, Schutte) 1 nay, (McCague)

RESOLUTION #51-2021 – APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION

Motion by Mayor Holcomb, seconded by Trustee Barnes, for the Village of Lakewood to approve the issuance of a Negative Declaration in connection with proposed Local Law #1-2021, abolishing the Planning Board and transfer the responsibilities to the Zoning Board of Appeals, as it pertains to compliance with the State Environmental Quality Review (SEQRA) process.

Adopted: 3 ayes, (Barnes, Fischer, Schutte) 1 nay, (McCague)

RESOLUTION #52 – ADOPT LOCAL LAW #1-2021, ABOLISH THE PLANNING BOARD

Motion by Mayor Holcomb, seconded by Trustee Barnes, that the Board of Trustees resolves to enact proposed Local Law #1-2021.

Adopted: 3 ayes, (Barnes, Fischer, Schutte) 1 nay (McCague)

PUBLIC HEARING: 7:00 PM
SPECIAL USE PERMIT
HOME OCCUPATION
15 FAIRWOOD DRIVE

Ms. Janaina Graziela Guedes Del Nero, 15 Fairwood Drive, Lakewood, N.Y., has submitted an application for a Special Use Permit regarding her desire to open a Beauty Shop in her home at the address above. In accordance with Section #25-10, C, (2) [Single Family Residential R1 District], and Section #25-37, [Home Occupations] of the Village of Lakewood Zoning Law, the establishment of a home occupation in the R-1 Zoning District requires a Special Use Permit.

Mayor Holcomb opened the public hearing at 7:23 PM on the proposed Special Use Permit as submitted by Ms. Del Nero and asked if there was anyone in attendance who would like to comment on this proposal.

Mr. Del Nero, Janaina Del Nero's husband said his wife does Micro-blading which is permanent make-up such as eyebrows,

Mayor Holcomb asked Mr. Del Nero how many customers does his wife usually have a day and does she plan on having any signs.

Mr. Del Nero said there will never be more than 2 customers a day and they will definitely not have any signs, all her advertising is done on the internet.

Ms. Diana Meckley, 81 Fairwood Drive, said she does not have any problem with Ms. Del Nero having her business at home as long as there will not be any signs either at her house or on the street.

Ms. Denise Powers, 3 Fairwood Drive, said she has lived on Fairwood Drive for 20 years and is concerned there will be an increase in traffic as well as the security and safety of the street.

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Ms. Judith Stevens, 6 Fairwood Drive said her concern is if this permit is granted and the services she does now doesn't work out does that open the door for another service to be performed.

Ms. Jenny Vaughn, 32 Fairwood Drive, said she is happy to know there will be no signage but inquired about the parking, she wanted to make sure there would never be parking on the street.

Ms. Marilyn Ryan-Piper, 1 Fairwood Drive said she has lived on Fairwood Drive for 30 years and is concerned having a business in a home will change the character of the street.

Mr. Del Nero said there will be no signs, there will never be more than 2 customers a day and never at the same time. Mr. Del Nero said he has removed some grass next to his shed and extended his driveway in order to accommodate off street parking.

Trustee Barnes asked Mr. Del Nero how long one of his wife's procedures takes.

Mr. Del Nero said usually 3-4 hours which is reason there will never be more than 2 in a day.

Trustee Barnes said if the Special Use Permit is granted it would be for only the services that are on that permit, if the services were to change the Special Use Permit would no longer be in effect. Ms. Barnes also said she would find it hard to believe no one who lives on Fairwood Drive has sold Pampered Chef, Shaklee or Tupperware products and commended the Del Nero's for going about having an occupation in their home the proper way.

With no one else to be heard, Mayor Holcomb closed the public hearing at 7:47 PM, and proceeded to re-open the regular meeting.

RESOLUTION #53-2021 – APPROVE SPECIAL USE PERMIT FOR HOME OCCUPATION

Motion by Trustee Barnes, seconded by Mayor Holcomb for the Board of Trustees to grant a Special Use Permit to Ms. Janaina Graziela Guedes Del Nero, allowing a Cosmetology Beauty Shop in her home at 15 Fairwood Drive. Ms. Del Nero's business will be performing Micro Blading, Lip Pigmentation, and Brow service, with the hours running between 8:00 AM and 8:00 PM. The conditions set forth in granting this permit are as follows, there will only be one (1) customer at a time, with no more than two (2) individuals, and not more than two (2) appointments per day. She will not have any signs places at her residence or on the street and will provide off street parking. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #54-2021 – APPROVE 2021 LAROW DOCK PERMIT APPLICATION

Motion by Trustee McCague, seconded by Trustee Barnes, to approve the 2021 LAROW Dock Permit Application as submitted by Ms. Sherri Grask, 159 E. Terrace Ave., for the Glenwood Ave. right-of-way, with the stipulation the newly revised (2021) LAROW Dock Permit application is properly filled out and submitted. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #55-2021 – APPROVE 2021 LAROW DOCK PERMIT APPLICATION

Motion by Trustee McCague, seconded by Trustee Barnes, to approve the 2021 LAROW Dock Permit Application as submitted by Mr. Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. right-of-way, with the stipulation the newly revised (2021) LAROW Dock Permit application is properly filled out and submitted. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #56-2021 – APPROVE 2021 LAROW DOCK PERMIT APPLICATION

Motion by Trustee McCague, seconded by Trustee Barnes, to approve the 2021 LAROW Dock Permit Application as submitted by Mr. John Johnson, 178 Front St., for the Woodlawn Ave. right-of-way, with the stipulation the newly revised (2021) LAROW Dock Permit application is properly filled out and submitted. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

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RESOLUTION #57-2021 – APPROVE 2021 LAROW DOCK PERMIT APPLICATION

Motion by Trustee Barnes, seconded by Trustee Fischer, to approve the 2021 LAROW Dock Permit Application as submitted by Mr. Tony Costanzo, 138 E. Terrace Ave., for the Oakland Ave., right-of-way.

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

RESOLUTION #58-2021 – AMEND CONTRACT WITH BARTON & LOGUIDICE

Motion by Trustee Barnes, seconded by Trustee Schutte, to authorize amendment number 2 of the contract between the Village of Lakewood and Barton & Loguidice (B&L), Liverpool NY, to increase Construction Observation on the Village's behalf during construction of the Chautauqua Ave. Green Street Retrofit Project. The authorization is contingent upon concurrence by the New York State Environmental Facilities Corporation.

NOTE: The increase fee of \$22,260,000 will allow B&L to increase their periodic site visits to approximately three (3) days per week and would maintain an M/WBE goal of 20.01%, meeting the required NYSEFC M/WBE goals for the GIGP funded project.

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

RESOLUTION #59-2021 – SET TIME & DATE FOR PUBLIC HEARING RE: NYS POLICE REFORM

Motion by Trustee Barnes, seconded by Trustee Fischer, per the recommendation of Police Chief Chris DePonceau to set 6:45 PM, Monday, March 22, 2021, as the time and date for the Board of Trustees to conduct a public hearing on the proposed New York State Police Reform and Reinvention Collaborative.

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

RESOLUTION #60-2021 – TABLE APPROVAL OF DOCK PERMIT APPLICATION

Motion by Trustee McCague, seconded by Trustee Barnes, for the Board of Trustees to table the approval of the dock permit application for Lowe Park as submitted by Mark & Jeanne Schreiber, until such a time the Village Attorney has the opportunity to review the deed for 225 W. Summit St.

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

ANYONE TO BE HEARD

Mr. Michael Looker, 15 Owana Way, congratulated Trustee McCague and the Lakewood Community Development Corp. (LCDC) on the plans for the newly proposed playground project and commented on what a wonderful addition that will be to the Hartley Park. Mr. Looker also asked if there are any plans included in the project for the beach.

Trustee McCague said at this point there are none, but hopes in the future there will be.

Mr. Looker asked if there is anything that can be done about the franchise fee which has been added to the monthly Spectrum Cable bills and only effects residents who live in the village that have Spectrum Cable. My. Looker said he does not think that is fair and can't believe its legal.

Village Attorney LaMancuso said at one time we were told we had to do this but we can look into what our options are now.

Mayor Holcomb said he will look into it.

RECESS

Motion by Trustee Fischer, seconded by Trustee McCague, to recess the regular meeting at 8:29 PM, so as to enter into executive session to discuss possible litigation.

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

March 8, 2021 (continued)

EXECUTIVE SESSION

Present at the executive session, were Mayor Randall G. Holcomb, Trustee Ellen E. Barnes, Trustee Douglas L. Schutte, Trustee Edward J. McCague, Trustee R. Richard Fischer, Village Attorney John I. LaMancuso, Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman and Police Chief Chris DePonceau.

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Fischer and unanimously carried to adjourn the executive session of the Board of Trustees at 9:05 PM.

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

RESOLUTION #60-2021 – TABLE APPROVAL OF DOCK PERMIT APPLICATION

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

REGULAR MEETING (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Fischer and unanimously carried to adjourn the regular meeting of the Board of Trustees at 9:07 PM.

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

Mary B. Currie
Village Clerk