

## **MARCH 13, 2023**

The fifth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, March 13, 2023, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes, R. Richard Fischer, Nancy W. Jones and Benjamin J. Troche. Also present were Village Clerk Mary B. Currie, Deputy Village Treasurer Julie C. Toennis, Police Chief Christopher A. DePonceau, Village Attorney John I. LaMancuso, DPW Supervisor Thomas R. Pilling, and Fire Chief Kurt Hallberg. Absent were Village Treasurer Apryl L. Troutman and Building Inspector Jeff Swanson. The meeting was video conferenced via Zoom.us for the Historic Preservation Committee report with Mr. Clinton Brown, reporting from Buffalo, NY. A work session was held with no action taken.

Trustee Troche announced that Mr. Jackson Knowlton, a life member of the Lakewood Volunteer Fire Department and was still active, passed away last week. He said Mr. Knowlton was very committed to the village and answered just under 13,500 alarms in his tenure. He was Deputy County Fire Coordinator, 3rd battalion from 1978 to 2000 and in charge of approximately ten (10) departments in the south county area.

Trustee Troche said Mr. Knowlton was a liaison with Chautauqua County Emergency Services and was the Fire Chief for the LFD in 1974, 1977, 1982 to 1989, 2004 and 2006. In 1972 and 1978 the Village of Lakewood Board of Trustees awarded him the Mayor's Award for saving two lives in two separate house fires.

Trustee Troche said Mr. Knowlton was a true asset to the LFD and asked for a moment of silence in his honor.

### **APPROVAL OF MINUTES**

Motion by Trustee Fischer, seconded by Trustee Troche, to approve the minutes of the last regular meeting of the Board of Trustees held February 27, 2023.

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

### **AUDIT OF CLAIMS**

Motion by Trustee Barnes, seconded by Trustee Jones, that the claims as audited by the Auditing Committee of the abstracts dated March 13, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#42 & #42) Trust & Agency Fund: \$ 60,342.28, General Fund: \$ 67,711.15, (checks #19588 thru #19626), voided check #19609, 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 three hundred thirteen incidents from February 27, 2023 to March 13, 2023 which included ten alarms, ninety-three business checks, four well-being checks, four disorderly people, four larceny complaints, twelve motor vehicle accidents, four requests for a police officer, thirty-three property checks, six shoplifting complaints, three suspicious people complaints, seven vehicle complaints, twenty-nine vehicle stops and fifteen warrants that were served and/or entered into the system. He added the L-BPD has handled one thousand seven hundred seventy-six incidents year to date.

Trustee Fischer thanked Chief DePonceau for putting together such an informative annual report.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to one hundred ninety-four alarms year to date and added that number is just about the same as it was last year at this time.

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Chief Hallberg said the LFD has been very busy making arrangements for Mr. Knowlton's visitation and funeral that is coming up this weekend. He said with the visitation being on Friday and the funeral on Saturday, Busti, Ashville and Celoron Fire Departments have volunteered to standby for them during those times and said the LFD members would like to send their appreciation.

Deputy Village Treasurer Julie C. Toennis reported that a separate bank account for the Emergency Medical Service (EMS) revenue is in the process of being established.

Mayor Holcomb reported on an invitation he received for a Chautauqua County Leadership Roundtable to be held March 22, 2023, 9:00–10:00 AM at the Bemus Point Inn Restaurant in Bemus Point. He said Chautauqua County Office for Aging Services and Chautauqua County Walk Chair will be asking for feedback to help them grow their 2023 Chautauqua County Walk to End Alzheimer's, which is being held in Point Gratiot, Dunkirk on September 23, 2023.

Mayor Holcomb also said he received a wonderful piece of news from the Chautauqua Lake & Watershed Management Alliance letting the village know that the Village of Lakewood's Commercial Corridor Stormwater Engineering Study – Mall Boulevard planning grant, was awarded full funding at \$ 30,000.00.

Trustee Jones reported that she is still working on finding people to sign up for the lifeguard course so the beach can open this summer. She said the course needs to have a certain number of people before it will be offered so if anyone knows someone who might be interested, please let them know about the course.

Mr. Ted McCague reported on the Historic Preservation Committee by first thanking Fire Chief Hallberg and former Village Clerk Joe Johnson for all their assistance and knowledge in helping him with the Historic Structure Report and the application for the building's National Registry.

Mr. McCague said Village Attorney LaMancuso has drafted a Local Law and there are a couple questions that need to be answered before he can complete it. He said the Board of Trustees needs to decide if they would like the Historic Preservation Committee to be a board that would be the final authority on historic preservation matters or a referral board, which would send their recommendations to the Board of Trustees who would make the final determination.

Village Attorney LaMancuso said before the Board of Trustees makes any decisions, they need to decide if they want to regulate historic structures at all. He said then if you decide you want them regulated you will need to decide who will regulate them and what regulations you'd like to place on them.

Trustee Fischer said he doesn't think anyone should be told what they can and cannot do with their house when they are the ones paying for it and paying the taxes.

Mr. McCague said this would not be village wide, there would be a survey done throughout the village of every older home and determine if it could be considered vintage Lakewood where historic districts could be located. He said the historic preservation regulations would only apply within those geographic boundaries.

Mr. McCague also said Certified Local Governments provides significant tax advantages as long as they comply with the regulations set up by the community first. He said there is also financing available for someone who owns a home of historic character and is in a historic district. Mr. McCague said that homeowners could get financial assistance to clean up buildings, install roof gutters, downspouts or whatever else might need to be done.

Mr. Clinton Brown, Clinton Brown Company Architecture, PC, Buffalo, NY, said Certified Local Governments are recognized by Federal and State agencies as having special expertise in historic preservation and federally mandated as part of an amendment to the National Historic Preservation Act and is administered by the National Park Service. He said because Certified Local Governments come with a sharing of federal allocation to the national park service the state in turn gives 10% of that to localities that apply for it as sub-grants.

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Mr. Brown said another part of Certified Local Governments is legislation that puts the elected officials in a position to better manage the character of a place like Lakewood that current planning and zoning ordinances are not able to do. He said there is a lot of information on Certified Local Governments that can be found on-line.

Mr. Brown said he thinks there are some practical reasons and accountability to have the elected officials ultimately make a decision based on what the Preservation Commission recommends and what they hear from others who may have different points of view.

**RESOLUTION #44-2023 – AUTHORIZE BILLING FOR EMERGENCY MEDICAL SERVICES**

Motion by Trustee Troche, seconded by Trustee Barnes, BE IT RESOLVED, by the Board of Trustees of the Village of Lakewood that Professional Ambulance Billing, LLC, 8610 Main St., Williamsville, New York 14221, is and hereby shall be authorized to commence billing for Emergency Medical Services provided by the Village of Lakewood, and Mayor Holcomb is hereby authorized to execute all documents necessary to commence such billing.

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

Trustee Barnes indicated the agreement between the Village of Lakewood and Professional Ambulance Billing, LLC has already been signed by Mayor Holcomb.

**RESOLUTION #45-2023 – SET TIME & DATE FOR A PUBLIC HEARING**

Motion by Trustee Jones, seconded by Trustee Fischer, to set 6:35 PM, Monday, March 27, 2023, as the time and date for the Board of Trustees to conduct a public hearing to review a Special Use Permit application as submitted by Mr. and Mrs. Joshua Pike, requesting approval to establish a Short Term Rental at 32 Chautauqua Ave.

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

**RESOLUTION #46-2023 – SET TIME & DATE FOR A PUBLIC HEARING**

Motion by Trustee Troche, seconded by Trustee Jones, to set 6:40 PM, Monday, March 27, 2023, as the time and date for the Board of Trustees to conduct a public hearing to review a Special Use Permit application as submitted by Mr. Eric Lindquist, requesting approval to establish a Short Term Rental at 6 W. Summit Street.

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

**RESOLUTION #47-2023 – SET TIME & DATE FOR PUBLIC HEARING RE: TENTATIVE BUDGET**

Motion by Trustee Jones, seconded by Trustee Troche, to set 6:35 PM, Monday, April 10, 2023, as the time and date for the Board of Trustees to conduct a public hearing on the Village of Lakewood's Tentative Budget for the fiscal year June 1, 2023 – May 31, 2024.

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

**RESOLUTION #48-2023 – APPROVE 2023 LAROW DOCK PERMITS**

Motion by Trustee Jones, seconded by Trustee Fischer, to approve the 2023 Dock Permit applications as submitted by Ms. Renee Czarniak, 205 W. Summit St., for the Division St. R-O-W, Mr. Joe Fusco, 147 E. Terrace Ave., for the Crescent Ave. R-O-W, Mr. Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. R-O-W, Ms. Sherri Grusak, 159 E. Terrace Ave., for the Glenwood Ave. R-O-W, and Mr. John Johnson, 178 Front St., for the Woodlawn Ave. R-O-W.

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

March 13, 2023 (continued)

**RESOLUTION #49-2023 – APPROVE THE 2023 LICENSE AGREEMENT WITH THE CLCSF**

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to approve the 2023 License Agreement between the Village of Lakewood and the Chautauqua Lake Community Sailing Foundation, Inc., regarding the continued use of the Beach House and waterfront property at Richard O. Hartley Park for the 2023 sailing season (March 1, 2023 thru October 31, 2023) and to authorize Mayor Holcomb to execute the same.

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

Mayor Holcomb said the CLCSF has some events already scheduled beginning with an open regatta in April and they will be having the first ever Junior Varsity regatta for 8<sup>th</sup> – 10<sup>th</sup> graders. He said May 20 and May 21, for the 1<sup>st</sup> time ever, they will be hosting the New York State High School Champs Regatta and expect teams to come from as far as Long Island. He also said for the first time ever there will be an All Women's Championship in Virginia and the CLCSF is hoping to be able to send a team to it.

Trustee Jones said she hopes the CLCSF is aware that the beach house will be opened daily for the residents using the park and the beach this summer and was told there will be a camera installed inside the beach house.

**RESOLUTION #50-2023 – APPROVE FIREWORKS DISPLAY & ACCEPT QUOTE**

Motion by Trustee Jones, seconded by Trustee Barnes, for the Board of Trustees to approve the 2023 fireworks display to be held 10:00 PM, Tuesday, July 4, 2023 at Richard O. Hartley Park and accept the quote as submitted by Gibson Firework, 8177 Tidioute Enterprise Rd., Titusville, PA 16354. The cost will be \$ 15,000.00 which will include a 20 minute show, the transportation, complete set-up, firing of the display, choreography, any necessary equipment, the crew and clean up. Gibson Fireworks will have liability insurance in the sum of \$ 2,000,000.00 as well as all necessary New York State required documents.

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

**RESOLUTION #51-2023 - APPROVE NEW FIRE DEPARTMENT MEMBER**

Motion by Trustee Fischer, seconded by Trustee Jones, that the Board of Trustees, acting as the Board of Fire Commissioners, to approve Ms. Rachel Johnson, 15 Gerald Ave., as a new member of the Lakewood Volunteer Fire Department.

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

**RESOLUTION #52-2023 – AUTHORIZE MID-YEAR BUDGET TRANSFER**

Motion by Trustee Troche, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget modification for a budget shortfall: \$ 553.00 from A-1680.40 {Central Data Processing} to A-1420.40 {Law – Contractual}.

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

**RESOLUTION #53-2023 – 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 modification for a budget shortfall: \$ 500.00 from A-3120.12 {Police Salaries – Part-time} to A-3120.11 {Police Salaries – Overtime}.

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

March 13, 2023 (continued)

**RESOLUTION #54-2023 – AUTHORIZE MID-YEAR BUDGET TRANSFER**

Motion by Trustee Troche, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget modification for a budget shortfall: \$ 500.00 from A-3410.45 {Diesel Fuel} to A-3410.44 {Gasoline}.

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

**RESOLUTION #55-2023 – AUTHORIZE MID-YEAR BUDGET TRANSFER**

Motion by Trustee Fischer, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget modification to clean up a negative account balance: \$ 130.30 from A-3410.40 {LFD – Contractual} to A-3410.49 {EMS Supplies}.

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

**RESOLUTION #56-2023 – 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 modification to clean up a negative account balance: \$ 3,555.42 from A-5110.40 {Street Maint. – Contractual} to A-5110.43 {Street Maint. – Vehicle Maintenance}.

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

**ANYONE TO BE HEARD**

Ms. Lisa Vanstrom, Chautauqua County Legislator, District 15, thanked the Board of Trustees for carrying on the long standing tradition of hosting the fireworks along beautiful Chautauqua Lake, which is the jewel of Chautauqua County. She said she can't remember a 4<sup>th</sup> of July where Lakewood wasn't packed to the rafters and parking was at a premium to offer a full July 4<sup>th</sup> celebration.

Motion by Trustee Troche, seconded by Trustee Jones, to recess the regular meeting at 7:24 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 Mayor Randall G. Holcomb, Trustee Ellen E. Barnes, Trustee R. Richard Fischer, Trustee Nancy W. Jones, Trustee Benjamin J. Troche, Village Attorney John I. LaMancuso, Police Chief Christopher A. DePonceau and Village Clerk Mary B. Currie.

**EXECUTIVE SESSION AND REGULAR MEETING (Adjournment)**

Motion by Trustee Barnes, seconded by Trustee Troche and unanimously carried to adjourn the executive session and the regular meeting of the Board of Trustees at 7:37 PM.

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Mary B. Currie  
Village Clerk