

MARCH 14, 2022

The fifth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, March 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 Deputy Clerk/Treasurer Julie C. Toennis, Village Treasurer Apryl L. Troutman, Police Chief Christopher A. DePonceau, Village Attorney John I. LaMancuso and Fire Chief Kurt Hallberg. Absent was Village Clerk Mary B. Currie, DPW Supervisor Thomas R. Pilling and Building Inspector Jeff Swanson.

APPROVAL OF MINUTES

Motion by Trustee Fischer, seconded by Trustee Jones, to approve the minutes of the last regular meeting of the Board of Trustees held February 28, 2022.

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

AUDIT OF CLAIMS

Motion by Trustee Troche, seconded by Trustee Jones, that the claims as audited by the Auditing Committee of the abstracts dated March 14, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#44 & #44) Trust & Agency Fund: \$53,948.11, (check #6390), General Fund: \$65,915.29, (checks #18642 thru #18677).

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

REPORTS

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had four hundred four incidents from February 28, 2022 to March 14, 2022. He said of those they have had ninety-five business checks, thirty-seven property checks, eighty-eight vehicle and traffic violations, ten shoplifting incidents and twenty-nine warrants were processed.

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

Chief Hallberg also wanted to remind people how important it is to have Carbon Monoxide Detectors installed and in working condition in their homes.

Trustee Fischer reported that he has been in contact with Mr. Mark Meyerhofer, Senior Director of Government Affairs with Charter Communications (Spectrum) regarding the franchise tax. Mr. Meyerhofer told him there are only three towns in Chautauqua County that do not pay the franchise tax. He said they are Cherry Creek, Arkwright and Charlotte. Forty-four towns, villages or cities within the county, do pay the tax.

Trustee Fischer said out of the fourteen hundred residents living in the Village of Lakewood, there are eight hundred and eighty one Spectrum accounts. Trustee Fischer indicated he has separately spoken with each member of the Board of Trustees regarding this issue and the decision has been made the contract Spectrum will stay in place at a five percent rate. Trustees Fischer, Barnes and Troche all said that if anyone does not like this decision there are other options out there for your television services.

Trustee Barnes added it would be helpful for those who are not happy with this fee to call Spectrum and make a complaint to them.

Mayor Holcomb said he is happy to report that Matt and Jen Walczyk have offered to be the Farmer's Market Managers this year. The Lakewood American Legion, 174 Chautauqua Ave., has offered to host the Farmers Market in their pavilion on Chautauqua Ave. Deputy Clerk Julie C. Toennis said she would be willing to help with any clerical needs.

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Mayor Holcomb also mentioned that the 2022-2023 budget is well under way and will be submitted to the Board of Trustees on Friday, March 18, 2022. He said he would like to set the public hearing for the budget on April 11, 2022.

DISCUSSION ON BARK PARK REGISTRATION CONTRACT

Ms. Beth Moss, Dog Control Officer for the Town of Busti, appeared before the Board of Trustees to explain what she does and discuss Bark Park Dog Park.

Ms. Moss said in the past three years she has found over four hundred unlicensed dogs in the Town of Busti and currently there are one thousand four hundred dogs licensed. She responds to noise complaints, lost or stray dogs and dogs running at large. She said she has a scanner to check for microchips and would like to advocate that pet owner's microchip their dogs. Ms. Moss did say the only time she will go out on a call at night is when a police officer is available to be with her.

Ms. Moss said she believes for a dog to be registered at the Dog Park, they should be licensed, vaccinated for rabies and registered with the Village of Lakewood. She said she will stop at the park to make sure dogs are registered.

Trustee Barnes said she would like Ms. Moss to gather all of the information when an incident happens and report back to Board of Trustees to make a decision.

Ms. Moss said she is willing to do hearings, but they have to be done in front of a judge. When an issue arises at the park she can meet with the owners of the dogs so both parties can be heard and then submit her recommendations to the Board of Trustees.

Ms. Moss asked that the complaint form be updated with a place for witnesses to comment. She also asked if the contract could refer to her as a Dog Control Officer and not an Animal Control Officer, since she strictly works with dogs.

Trustee Barnes would like the complaint form to have a place where people can provide proof of the incident and signatures of witnesses. She also said she would like to start fresh and have everyone re-register with the new contract. Nothing concrete has been set yet but the board and village attorney are getting close to contract improvements.

There was discussion on confidentiality when a complaint is submitted, as of now no one has received personal information when making a complaint. Ms. Moss said she would like to keep that in place unless an incident ends up in a meeting or hearing. She stated most of the time people already know who made the complaint.

Ms. Moss said when she finds someone at the park that is not registered, she will ask them go to the Village Clerks Office to register and let her know when they have done so.

Ms. Moss asked what the policy is for the village to shovel the gates during the winter months.

Trustee Barnes said the gates are never locked. The first person to get down there should clear the gateway of snow.

DISCUSSION ON PREVIOUSLY TABLED SPECIAL MUSIC PERMIT APPLICATION SUBMITTED BY GROUP THER-HAPPY

Ms. Michelle Turner, owner of Group Ther-Happy, 103 Chautauqua Ave., wanted to know why her music permit for this summer hasn't been approved.

Mayor Holcomb said the Board of Trustees would like each date she would like music to be written out along with the times.

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Ms. Turner agreed to write the dates and times out and resubmit her permit application. She also asked if she could receive a copy of the complaints received at the police station.

Chief Deponceau said he could tell her the amount of times they have been called, if she wants more detail she would have to submit an F.O.I.L. request.

Ms. Turner also submitted a flyer for an event she would like to have on Sunday, July 17th which would be no cost to the village. The event will be called Boots for Badges and indicated a dollar per beer sold will be donated to the LBPd and Lakewood Fire Co.

RESOLUTION #30-2022 – APPROVE THE 2022 LICENSE AGREEMENT WITH THE CLCSF

Motion by Trustee Troche, seconded by Trustee Jones, for the Board of Trustees to approve the 2022 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 2022 sailing season (March 1, 2022 thru October 31, 2022) and to authorize Mayor Holcomb to execute the same.

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

RESOLUTION #31-2022 – APPROVE 2022 LAROW DOCK PERMITS

Motion by Trustee Troche, seconded by Trustee Jones, to approve the 2022 Dock Permit Applications as submitted by Ms. Sherri Grask, 159 E. Terrace Ave., for the Glenwood Ave. R-O-W, Mr. Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. R-O-W, Mr. Joe Fusco, 147 E. Terrace Ave., for the Crescent Ave. R-O-W, Mr. Tony Costanzo, 138 E. Terrace Ave., for the Oakland Ave. R-O-W, Dr. Albert Persia, 74 E. Terrace Ave. & Mr. John Lubic, 68 E. Terrace Ave., for the Maple Ave. right-of-way and David & Denise Doane, 127 Erie St., for the Lowe St. R-O-W.

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

RESOLUTION #32-2022 – APPROVE USE OF VILLAGE PARK AND STREETS

Motion by Trustee Fischer, seconded by Trustee Troche, to approve the use of Richard O. Hartley Park and the Village of Lakewood streets for the BMore Fitness Event Glow Run, Saturday, June 25, 2022. The event will be from 7:00 pm to 9:00 pm and will include live music in the Gazebo. All the proceeds will be going to the Lakewood Fire Department and the Lakewood Memorial Library.

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

RESOLUTION #33-2022 – AUTHORIZE SOLITUDE LAKE MANAGEMENT TO ACT ON VILLAGE'S BEHALF

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to authorize SOLitude Lake Management to prepare and submit the NYS DEC herbicide permit application on behalf of the Village of Lakewood for the 2022 treatment of Aquathol k and ProcettaCOR to designated portions of Chautauqua Lake, in coordination with the Town of Busti, and authorize the application of the specified herbicides to designated areas of the Lakewood shorelines by SOLitude Lake Management pending NYS DEC permit approval.

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

RESOLUTION #34-2022 – APPROVE MEMORANDUM OF UNDERSTANDING (MOU)

Motion by Trustee Troche, seconded by Trustee Fischer that the Board of Trustees of the Village of Lakewood, New York, hereby resolves:

WHEREAS, the Village is owner in fee simple of the Richard O. Hartley Park, located at W. Terrace Avenue, Lakewood, NY (the "Park"); and

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WHEREAS, the LCDC is an independent local community development corporation; and
WHEREAS, both parties have previously agreed that the park's playground facility is outdated and deteriorated and requires repair and/or replacement; and

WHEREAS, the LCDC has applied for and the Village of Lakewood has been awarded a New York Department of State Local Waterfront Revitalization Program Reimbursement Grant in the amount of \$456,200 (the "Grant"); and

WHEREAS, the LCDC has raised one hundred percent (100%) of the remaining project cost in the amount of \$244,800, and now desires to begin the construction design and engineering process phase of the project; and

WHEREAS, the Village Board of Trustees has provided the LCDC with resolution #122-2021 expressing support of the project and authorizing the LCDC to undertake the design funding and construction of the new playground; and

WHEREAS, the Village and the LCDC desire to clearly describe the mutual understanding concerning the next phase of the playground project including final design process, construction, costs and reimbursement schedule,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Agree, that the Village authorizes the LCDC to undertake the design, engineering and construction process, including retention of service providers, such as surveyors, architects and engineering services; and

Agree, that the Village authorizes the LCDC to coordinate design and construction of the project including meetings with landscape architects, general contractors and community volunteers; and

Agree, that the LCDC will provide any other technical assistance and support to the project as they determine necessary to the successful completion of the project; and

Agree, that any and all expenses for materials or services occurring on or after February 1, 2022, that are reimbursable under the terms of the Grant are the responsibility of the Village of Lakewood; and

Agree, that in the event LCDC incurs interim expenses for materials or services that are eligible reimbursable expenses under the terms of the Grant on or after February 1, 2022, the Village will in turn reimburse the LCDC for such interim expenditures incurred on the Village's behalf once the Grant reimbursement has been received; and

Agree, that the Village will provide in-kind construction and administrative services for the project, including any required by the provider of any funding; and

Agree, that the Village will conduct any applicable environmental reviews and/or local permitting processes pertaining to the project; and

Agree, that, once the project is complete, the Village will assume full responsibility for the on-going maintenance of the playground and surrounding areas; and

II. Both parties acknowledge that this MOU is non-binding. Neither party intends to be legally bound to perform any transaction or to take or refrain from taking any actions as a result of or on the basis of this MOU. Furthermore, each party understands that it is not entitled to rely on, and agrees that it shall not take any actions in reliance on, any understandings or possible commitments set forth in this MOU.

III. This MOU shall become effective on the date of signing, and shall terminate on completion of the project.

IV. The parties agree that this MOU may be signed in counterparts.

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

RESOLUTION #35-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer for a budget shortfalls: \$ 1,500.00 from A-9015.80 {Fire & Police Retirement} to A-3120.11 {Police Salaries Overtime}, \$ 1,000.00 from A-5110.40 {Street Maintenance Contractual} to A-5110.41 {Street Maintenance – National Fuel}, \$ 1,500.00 for A-5142.11 {Snow Removal – Overtime} to A-5142.10 {Snow Removal – Salaries}, \$ 2,500.00 from A-3410.40 {LFD – Contractual} to A-3410.41 {LFD – Utilities}.

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

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RESOLUTION #36-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Troche , seconded by Trustee Fischer , to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer to pay for the July 4th Celebration fireworks down payment: \$ 5,212.58 from T-1093.40 {July 4th Celebration}, \$ 1,544.97 from T-1093.42 {Christmas Celebration} and \$ 617.45 from {Mayor Beautification Fund} to A-7550.40 {Celebrations – July 4th Summerfest}.

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

RESOLUTION #37-2022 – SET TIME & DATE FOR PUBLIC HEARING RE: TENTATIVE BUDGET

Motion by Trustee Barnes, seconded by Trustee Jones, to set 6:45 PM, Monday, April 11, 2022, 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, 2022 – May 31, 2023.

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

RESOLUTION #38-2022 –AUTHORIZE ADVERTISING FOR LIFEGUARDS

Motion by Trustee Jones, seconded by Trustee Troche, to authorize Village Clerk Currie to advertise for applications to be accepted for Lifeguard positions for the Lakewood Beach 2022 Summer Season.

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

ANYONE TO BE HEARD

Trustee Jones asked if the rope line at the beach could be moved out further so people are able to swim in deeper waters.

Village Clerk Mary Currie explained that the amount of lifeguards on duty determines how far out the ropes have to be or if there can be a dock.

Trustee Barnes mentioned the YMCA is offering a lifeguard course this year at the end of April.

Mr. Michael Looker, 15 Owana Way, said the swim team may have interest in lifeguarding and said he heard that the city of Buffalo is paying people to take the life guard course and that should be something to think about.

Trustee Troche said Chautauqua Institution is also holding lifeguard training.

Mr. Looker once again voiced his opinion on the Spectrum franchise tax. He feels that it is irrational, unethical and unmoral. He feels that Spectrum customers are being singled out.

Motion by Trustee Barnes, seconded by Trustee Jones and unanimously carried the Board adjourned at 7:59 PM.

Julie C. Toennis
Deputy Village Clerk