

## **APRIL 11, 2022**

The seventh regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, April 11, 2022, 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 Clerk/Treasurer Julie C. Toennis, Police Chief Christopher A. DePonceau and Fire Chief Kurt Hallberg. Village Treasurer Apryl L. Troutman and Village Attorney John I. LaMancuso participated via Zoom.us. Absent were 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 March 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 April 11, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#48 & #48) Trust & Agency Fund: \$ 55,173.21 (check #6463), General Fund: \$ 77,311.78 (checks #18706 thru #18749). Voided check #18731, 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 ninety-five incidents from March 28, 2022 to April 11, 2022. He said of those, one hundred three were business checks, twenty-nine were property checks, seventy-three were vehicle and traffic violations and fifteen were warrants processed.

Trustee Barnes asked Chief DePonceau if the prosecution of traffic tickets is back in the courts yet.

Chief DePonceau said they have been for the past couple of years.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to two hundred seventy-eight alarms year to date and said that is about fifty more than they had last year at this time.

Trustee Barnes asked if the increase in the numbers of calls this year is because of mutual aid.

Chief Hallberg said over the past 5-10 years the mutual aid calls have increased as the surrounding areas are challenged to answer EMS alarms in their own fire districts due to the lack of available EMT's.

Trustee Troche commended a fire fighter who posts on social media saying what a great job the LFD does in breaking down its alarms each month.

Chief Hallberg said the new ambulance is currently in Syracuse, NY having the lettering and strobe system installed, once that is complete, it will be ready for delivery.

Chief Hallberg said the NYS Legislature has finally passed a bill allowing Volunteer Fire Departments to charge for ambulance calls and suggested finding out what the state regulations will be before getting to far into pursuing it.

Trustee Fischer asked Village Clerk Currie if there has been any applications submitted for lifeguards.

Clerk Currie said, to date there has only been one person who has shown an interest but no application has been submitted.

April 11, 2022 (continued)

Building Inspector Jeff Swanson submitted his report saying he is continuing to be busy with property maintenance issues and has been making some deals with property owners.

**RESOLUTION #47-2022 APPROVE BARK PARK POLICY/CONTRACT**

Motion by Trustee Jones, seconded by Trustee Fischer, for the Board of Trustees to approve the updated Village of Lakewood Policy for Enforcement of Bark Park Rules and the updated Lakewood Bark Park Contract.

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

Trustee Barnes said she would like to get together with Clerk Currie and start working on a complaint form for the dog park and have Attorney LaMancuso check it over.

**RECESS**

Motion by Trustee Barnes, seconded by Trustee Jones, to recess the regular meeting at 6:45 PM so as to conduct a previously scheduled public hearing.

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

**PUBLIC HEARING: 6:45 PM**  
**VILLAGE OF LAKEWOOD'S TENTATIVE BUDGET**  
**FISCAL YEAR: JUNE 1, 2022 – MAY 31, 2023**

Mayor Holcomb opened the public hearing on the Village of Lakewood's Tentative Budget for the fiscal year June 1, 2022 – May 31, 2023 at 6:45 PM. Mayor Holcomb asked if there was anyone in attendance who had any questions or comments about this year's tentative budget.

With no one to be heard, Mayor Holcomb closed the public hearing and re-opened the regular meeting at 6:46 PM.

**RESOLUTION #48-2022 ADOPT 2022-2023 TENTATIVE VILLAGE BUDGET**

Motion by Trustee Barnes, seconded by Trustee Jones, per the recommendation of Mayor Randall G. Holcomb for the Board of Trustees to adopt the Village of Lakewood tentative budget in the amount of \$4,149,849.00 for the fiscal year of June 1, 2022 – May 31, 2023 making appropriations for the conduct of Village government and establishing the rate of compensation for its elected officials which will remain at the previous year's rates: Mayor: \$ 7,500.00, Trustees: \$ 3,500.00

WHEREAS the Board of Trustees conducted a public hearing on the tentative budget at the time and place specified in the notice of public hearing and heard all persons desiring to be heard;

THEREFORE BE IT RESOLVED that the tentative budget as presented hereby be adopted.

NOTE: The newly adopted budget reflects a tax rate of \$ 8.096832/1,000 assessed valuation which is a decrease of \$ .07.1/1,000 assessed valuation when compared with last year's budget.

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

The Board of Trustees thanked Village Treasurer Apryl L. Troutman for all the hard work she did in helping to prepare this year's budget.

April 11, 2022 (continued)

**RESOLUTION #49-2022 APPROVE SPECIAL MUSIC PERMIT FOR GROUP THER-HAPPY**

Motion by Trustee Troche, seconded by Trustee Barnes, for the Board of Trustees to approve the Special Music Permit application, as re-submitted by Group Ther-Happy for Saturdays and Sundays from April 2, 2022 through June 26, 2022. Prior to July, a new concert series schedule will be presented to the Board of Trustees for their review and approval for the remainder of the summer. This Special Music Permit is to be contingent upon following Section §25-55 (excessive noise) of the Village of Lakewood Zoning Code and will be revoked if not in compliance.

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

**RESOLUTION #50-2022 TABLE AMENDING RESOLUTION #95-2020, FIVE YEAR PAY STEP FOR NEW DPW EMPLOYEES**

Motion by Trustee Barnes, seconded by Trustee Troche, to table amending resolution #95-2020, dated May 26, 2020, where the Board of Trustees approved a five (5) year pay step for Department of Public Works for newly hired full time DPW employees until such a time new five (5) year increments can be worked out.

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

**RESOLUTION #51-2022 AUTHORIZE REQUEST FOR QUOTES RE: "JUNK PICK-UP"**

Motion by Trustee Fischer, seconded by Trustee Jones, authorizing Village Clerk Mary B. Currie to request quotes for the Village of Lakewood Annual Junk Pick-up and ask to have it commence on June 6, 2022. The quotes are to be received at the Village Clerks Office on or before 2:00 PM, May 13, 2022.

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

**RESOLUTION #52-2022 AUTHORIZED ESTABLISHING A CUSTODIAL ACCOUNT**

Motion by Trustee Barnes, seconded by Trustee Jones, for the Board of Trustees to authorize Village Treasurer Apryl L. Troutman to establish a custodial account for any monetary donations the village receives in connection to property on Chautauqua Ave., recently donated to the Village of Lakewood by the Siegel family, which is to be utilized as a public park.

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

**RESOLUTION #53-2022 AUTHORIZE MID-YEAR BUDGET TRANSFER**

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer for a budget shortfall: \$ 2,000.00 from A-5110.40 {Street Maintenance–Contractual} to A-5110.43 {Street Maintenance–Vehicle Maintenance}.

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

**RESOLUTION #54-2022 AUTHORIZE FUND TRANSFER**

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for the necessary fuel island parts from Lictus: \$ 410.00 from T-1093.71 {Fuel Facility O&M Surcharge} to A-5110.40 {Street Maintenance–Contractual}.

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

**RESOLUTION #55-2022 APPROVE HERICIDE APPLICATION SERVICES CONTRACT**

Motion by Trustee Barnes, seconded by Trustee Jones, for the Board of Trustees to authorize Mayor Holcomb to sign the Service Contract/Agreement with Solitude Lake Management and related documents in connection with the application of the aquatic herbicides, Aquathol K and ProcellaCor EC, to the targeted areas of Chautauqua Lake bordering the Village of Lakewood.

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

April 11, 2022 (continued)

**RESOLUTION #56-2022 APPROVE ENGINEERING SERVICES FOR GRANDVIEW  
STORMWATER MANAGEMENT PROJECT**

Motion by Trustee Jones, seconded by Trustee Fischer, for the Board of Trustees to approve a subcontract with EcoStrategies Engineering and Surveying, PLLC, Falconer, N.Y., to perform engineering services on the Grandview Stormwater Management Project, with a not-to-exceed contract amount of \$ 43,126.00, grant money, and authorize Mayor Holcomb to execute the same.

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

**RESOLUTION #57-2022 APPROVE 2022 LAROW DOCK PERMITS**

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve the 2022 LAROW Dock Permit application as submitted by Mr. Steven P. Johnson, 26 Harlem Ave., for the Harlem Ave. R-O-W.

**NOTE:** The Lakewood Volunteer Fire Department will be housing the rescue boat on that dock therefore the Lakewood Fire Company will carry the insurance.

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

Trustee Barnes suggested the village retain Attorney Mark C. Butler, Snyder, N.Y., regarding Emergency Medical Services billing. She said things have been changing and thinks Mr. Butler will be on top of any changes as they come. Ms. Barnes thinks now is a good time to retain him, as the village moves forward with the billing process.

Trustee Troche said it will move fast after the Governor signs the bill and agrees now is the time to retain Mr. Butler.

Village Attorney LaMancuso said it makes sense to him and indicated he would be happy to look over any related contracts or documents with Mr. Butler.

**RESOLUTION #58-2022 RETAIN LEGAL SERVICES RE: EMERGENCY MEDICAL SERVICE  
BILLING**

Motion by Trustee Troche, seconded by Trustee Barnes, to retain the services of Attorney Mark C. Butler, Snyder, N.Y., with regards to Emergency Medical Services (EMS) Ambulance billing and authorize Mayor Holcomb to sign any related documents or agreements.

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

**ANYONE TO BE HEARD**

Mr. James Tilley, 257 E. Terrace Ave., asked the Board of Trustees to explain their current stand on short term rentals within the Village of Lakewood.

Mayor Holcomb said more and more short term rentals are cropping up quickly in the village and asked Attorney LaMancuso if he would please explain to Mr. Tilley what the village is currently working on.

Attorney LaMancuso said the Board of Trustees are considering regulating short term rentals, which are properties that are rented 28 days or fewer at a time. He said he and the Board are working on putting together a Local Law with regulations for which properties and what districts short term rentals should be allowed in.

Attorney LaMancuso did indicate, as of now, nothing has been passed or is even in the final stages.

Mr. Tilley said he is in the process of possibly purchasing a place and would like to use it as a short term rental. He then asked Mr. LaMancuso if there is a timeline for all of this to take place.

April 11, 2022 (continued)

Mr. LaMancuso said there has been a local law drafted but there are a few things that still need to be worked out, he said he hopes it will be ready in the next couple of months.

Attorney LaMancuso said right now short term rentals are allowed to operate in the R-1 (Single Family) and R-2 (Multiple Family) districts, as a use by right and suggested Mr. Tilley consult with an attorney before making the purchase.

Motion by Mayor Holcomb, seconded by Trustee Fischer and unanimously carried the Board adjourned at 7:08 PM.

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Mary B. Currie  
Village Clerk