

APRIL 27, 2020

The eighth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, April 27, 2020, 6:30 PM. This meeting was being held via Zoom.us video to protect the public's health, safety and welfare during the COVID-19 Pandemic. With Mayor Randall G. Holcomb presiding, Trustees participating were Ellen E. Barnes, R. Richard Fischer, Edward J. McCague and Douglas Schutte. Also participating through Zoom.us were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Village Attorney John I. LaMancuso, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeffrey A. Swanson. Absent was Police Chief John R. Bentley.

APPROVAL OF MINUTES

Motion by Trustee Fischer, seconded by Trustee McCague, to approve the minutes of the last regular meeting of the Board of Trustees held April 13, 2020.

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

AUDIT OF CLAIMS

Motion by Trustee Schutte, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated April 27, 2020, be approved and that the Clerk shall execute said abstracts (#49 & #49) and direct payment by the Treasurer. Trust & Agency Fund: \$ 51,234.25, (Checks #5031 through #5035), General Fund: \$ 72,361.46, (Checks #16760 through #16787).

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

REPORTS

Mayor Randall Holcomb began his report by saying although this year has been very difficult in the budget process, due to COVID-19, he is hopeful the budget will be finalized tonight.

Mayor Holcomb also said he has heard from SOLitude Lake Management and the plant survey that was scheduled for Chautauqua Lake the week of April 20th has been pushed back to the week of May 4th or May 11th to allow more plant growth in the lake. SOLitude has advised this will not prevent them from issuing herbicide permits once the survey has been submitted.

Mayor Holcomb said all of the Village of Lakewood offices and departments have continued to run smoothly during the COVID-19 national pandemic and gave a big thank you to each department for all they are doing.

Mayor Holcomb said he has spoken with Southwestern School Superintendent Maureen Donahue, who indicated the school is continuing to follow the COVID-19 regulations and Governor Cuomo's orders to ban all non-essential gathering, therefore it is unlikely the school bands will be participating in the Busti or the Sunset Hill Cemetery annual Memorial Day parades.

Mayor Holcomb said he will check with the American Legion to see what their plans are, if any.

Mayor Holcomb said he received a call from Mr. John Hickey, 147 W. Summit St., who is the Gifford Ave. right-of-way dock permit holder. Mr. Hickey asked if there are any opinions or regulations on putting docks in the lake for the 2020 summer season.

DPW Supervisor Thomas R. Pilling reported the DPW has begun brush pick-up today at the west end of the village and the crew is back to one hundred percent work force.

Supervisor Pilling also said his crew is working on the Crescent Creek project when weather permits.

Police Chief John R. Bentley submitted the Lakewood-Busti Police Department's Incident Analysis Report saying they had two hundred sixteen incidents for the period of April 13, 2020 to April 27, 2020. He also submitted the L-BPD Annual Report.

APRIL 27, 2020 (continued)

Fire Chief Kurt Hallberg submitted his reported stating the Lakewood Fire Department has had two hundred eighty-nine alarms year to date and forty three so far in the month of April.

Chief Hallberg also reported all activities are still suspended due to the COVID-19 pandemic.

Chief Hallberg said Chautauqua County pays five (5) fire departments to clean county bridges annually, the Lakewood Fire Department has been cleared to do the annual cleaning since road and bridge maintenance are considered essential.

Chief Hallberg said the Lakewood Fire Department spent three (3) hours assisting Celoron at a structure fire in West Ellicott Sunday morning where two (2) garages were lost and minimal damage was done to the attached house. The fire was under control shortly after their arrival.

Village Attorney John I. LaMancuso reported he has received the Inter-municipal Agreement from Town of Ellery Attorney Neil Robinson, which is being proposed by the Town of Ellery, in regards to the Herbicide application in Chautauqua Lake this year.

RECESS

Mayor Holcomb recessed its regular meeting so as to conduct a previously scheduled public hearing.

PUBLIC HEARING: 6:45 PM
VILLAGE OF LAKEWOOD'S TENTATIVE BUDGET
FISCAL YEAR: JUNE 1, 2020 – MAY 31, 2021

Mayor Holcomb opened the public hearing on the proposed revised Village of Lakewood's Tentative Budget for the fiscal year June 1, 2020 – May 31, 2021 at 6:45 PM. Mayor Holcomb asked if there was anyone who had any questions or comments about this year's budget.

Trustee Barnes said she thinks the public hearing on the tentative budget will have to be postponed due to an error that was discovered in the revisions during the work session.

Trustee Ted McCague indicated the least the Board of Trustees could do is still hear from the public.

Trustee Barnes said she just wanted to say every year she looks at the budget as funding the essential services and trying to keep the tax rate as low as possible. She feels essential services are services that the individuals cannot provide for themselves and therefore depend on. She said it is necessary to keep our village and the residents safe. These essential services include those provided by the DPW, FD, L-BPD, Garbage Contractor and the Village Offices.

Trustee Barnes indicated other projects not connected to safety life or death, could be delayed for a period of time but not eliminated.

Trustee Barnes thanked Mayor Holcomb for his hard work and attention to the tentative budget which was completed before the Corona virus pandemic shut downs and a lot has changed since then. She also thanked the Trustees for all of the hard work they have been doing in preparing the budget, she also thanked the department heads for being fiscally responsible when preparing their budgets and thanked Village Clerk Mary Currie and Village Treasure Apryl Troutman for their hard work in helping put this budget together.

Trustee Barnes said the 2020-2021 budget has been very difficult to put together with all the unknowns about the future of the economics and the businesses that could be effected due to the pandemic.

Trustee Schutte said with everything having to be done remotely by phone and e-mail, this budget has been much more challenging.

APRIL 27, 2020 (continued)

Mayor Holcomb said there are questions that have been submitted, by e-mail, to the Village Clerks Office from the public, which at this time will be read.

The following questions have been presented, via e-mail, from Ms. Sharon Witchy, 2 Atlantic Ave.:

COVID-19 has brought significant changes to our society. We cannot even predict the effect to the economy in the future. We believe that the tax rate for 2020-2021 should be equal to or less than last year's rate.

Question 1: What is the difference in dollars between last year's tax rate of 7.89007 and the proposed rate for the upcoming year of 7.9852?

Mayor Holcomb said the Board of Trustees will be meeting one more time to correct an error that was found during the work session on the tentative budget, so that number will be changing.

Trustee McCague said during the Trustees' deliberations, the goal was to keep the tax rate flat and is hopeful to be able to get there in the next meeting.

Question 2: In studying the proposed budget, it is difficult to discern if pay raises have been included in the budget. Have pay raises for Village employees been included in this budget? If so, in light of the economics of the time with many people furloughed or experiencing restricted earning power, are pay raises a good decision for 2020-2021?

Trustee Barnes briefly explained the lines in the proposed budget are too high due to an error when calculating the proposed one percent pay increase, the numbers should come down to keep the rate flat or below.

Trustee Barnes also said she would like to be able to find a way for the employees to get the one percent pay raise, she said that doesn't even cover the cost of living and she considers all the employees to be part of essential services.

Ms. Sharon Witchy said with everything that is going on right now, maybe this should be the year the employees don't get raises.

Mr. R.G. Witchy said the employees should be grateful just having a job for the same number of dollars and not being laid off, filing for unemployment. He said they are dollars ahead by keeping the same rate and not being furloughed.

Mr. Michael Looker, 15 Owana Way asked if the village was restricted by any union or contract issues.

Trustee Barnes said the police do have a Union but that isn't really effecting the budget for this year.

Question 3: To make up the tax rate difference between last year and this year, which action seems most prudent to take as a savings measure? Pay freeze? Overtime reductions? Changes to the allotments for department projects?

Mayor Holcomb said he's sure these will continue to be discussed.

Trustee McCague said in the past few years, under normal times, the budgets have included pay increases.

Trustee McCague said he understands what Mr. & Mrs. Witchy are saying and agrees that with these unprecedented times we should take every precaution and preserve the jobs.

Trustee Barnes reassured they are looking at as much as they can to get the tax rate flat or close to it. As far as overtime, that happens mostly with the Police Department and the Highway Department and the things they respond to can't always be helped.

APRIL 27, 2020 (continued)

Trustee Barnes also said the Board of Trustees have asked the village department heads to be cautious when spending money for the remainder of the current budget.

Ms. Ruth Wahl, 106 Winchester Rd., read the questions she submitted:

1. The \$10,000 for a Comprehensive Plan for the village parks has been eliminated. Why is that?
 - It seems that in this time especially, planning IS an essential service. At almost every Board of Trustee meeting, there is discussion about the placement of the village dock, the opening of the beach, or beach usage. A comprehensive plan involving representatives of all community members would solve those problems in a way that would be best for everyone and help to drive economic development in the village.
 - In the tours that the Parks Committee has done of other parks in the area, it is apparent that our village is far, far behind other parks as far as modernization. Jamestown, Celoron, Bemus Point, Ellery, and Falconer all have amazing parks. We've shown many of you pictures of the other parks compared to ours. Our Veterans Memorial is shameful. Why would anyone want to move here or spend their money here, when our facilities are so shabby?
 - It's apparent that for far too long, planning has been put off until a better time for it. There will always be something needed RIGHT NOW that puts planning on the back burner. But if not now, when?
 - Without a budget for planning, the Parks Committee will have to cease meeting. There is nothing more we can do.
2. The budget for street lightning went up almost \$2,300. The expected savings from the LED street lights when they are installed is \$6,000. The \$6,000 savings plus the increase of \$2,300 in the budget which would no longer be needed, is almost enough to fund the \$10,000 for planning for the parks.
3. There is nothing in the budget for trees. There are many dead ash trees being removed in Lakewood. Shouldn't they be replaced with a different species of tree?
4. It's appalling that under Community Beautification, the fees for Lake Management Association Fees have been cut from \$6,000 to \$2,000. What if there's a big storm that washes all kinds of debris up on our shores. Who will clean it up?
5. I know that the village employees are extremely conscientious, hardworking, and responsible for the success of the village, but why in this time of belt tightening for us all, are their salaries raised 1%? Couldn't the increase start in January?

Mayor Holcomb thanked Ms. Wahl for her statements and asked if anyone would like to comment on them.

Trustee Barnes said she would be happy to explain the LED street lighting Ms. Wahl inquired about.

Ms. Barnes said the amount budgeted is the exact same amount as the current budget, that was not changed because as of right now it is unknown when the street lighting conversion will actually take place. If it does take place in the near future and there are some savings, we will then decide where the best place to put those savings will be.

Ms. Wahl asked if there could be an understanding that if that should happen if the extra money could go towards planning for the parks.

Trustee Barnes said at that point the entire budget would have to be looked at, there could be no promises made right now.

APRIL 27, 2020 (continued)

Trustee Schutte said with all the unknowns right now, if we could keep the tax rate as flat as possible by not committing to raises or projects, and have money going into the contingent budget, then if things look more promising by the end of the year, we could modify it at the first of the year.

Mr. Looker said, although he agrees with Ms. Wahl about the conditions of our parks, he doesn't believe this is the year to have the extra money put in the budget for parks.

Mr. Looker indicated he doesn't want to see any money spent on outsiders to do the thinking or planning for the village. He believes the village has spent enough money for people to listen to what you want and write it down on a piece of paper for you.

Trustee Barnes said she thinks the best thing to do would be to listen to what the residents want, make a plan ourselves, then we would have money that can be used on the work to be done and not on just a plan.

Ms. Wahl said the committee has already had a survey and a list of what people want, now is when we need someone to come in and make a plan.

Trustee Barnes said the Village Board doesn't know of any plans the committee has, when a committee makes plans they should be brought before the Village Board before anything is done.

Ms. Wahl indicated she has brought plans to each board member, she just hasn't been able to connect with Trustee Barnes.

Mr. Flip Yates, 9 Oakland Ave., said he agrees with Mr. Looker about spending money on advisors, consultants, studies etc. Mr. Yates believes Lakewood has a goldmine of power hitters and doesn't think a nickel should be spent on finding out how to do something.

With no one else to be heard, Mayor Holcomb closed the public hearing at 7:22 PM, and proceeded to re-open the regular meeting.

RESOLUTION #77-2020 – SET TIME & DATE FOR SPECIAL MEETING AND PUBLIC HEARING

Motion by Trustee Schutte, seconded by Trustee Barnes, to set 10:30 AM, Wednesday, April 29, 2020, as the time and date for the Board of Trustees to conduct a special meeting followed by a public hearing on the Village of Lakewood's Tentative Budget, as revised, for the fiscal year of June 1, 2020 – May 31, 2021.

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

RESOLUTION #78-2020 – TABLE ACTION ON 4TH OF JULY FIREWORKS DISPLAY CONTRACT

Motion by Trustee Schutte, seconded by Trustee Barnes, for the Board of Trustees to table any action on the contract between the Village of Lakewood and Zambelli Fireworks Mfg., Co. until the May 11, 2020 Board of Trustees meeting to see what the quarantine status is at that time with the COVID-19 pandemic.

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

RESOLUTION #79-2020 – APPROVE VILLAGE ATTORNEY'S RETAINER AGREEMENT

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to approve an extension of the Retainer Agreement for legal counsel provided by Village Attorney John I. LaMancuso, Esq., in the amount of \$ 15,000.00, for the period of June 1, 2020 thru May 31, 2021, and to authorize Mayor Holcomb to execute the same.

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

RESOLUTION #80-2020 – APPROVE 2020 DOCK PERMIT APPLICATION

Motion by Trustee McCague seconded by Trustee Schutte, to approve the 2020 Dock Permit Application as submitted by Mr. William Chandler, 207 W. Summit St., for the Division Ave. right-of-way.

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

APRIL 27, 2020 (continued)

RESOLUTION #81-2020 – AUTHORIZE 2020-2010 VILLAGE TAX BILL PREPARATION

Motion by Trustee Barnes seconded by Trustee Schutte, authorizing Village Treasurer Apryl L. Troutman and the Chautauqua County Division of Taxation to produce the Village of Lakewood's 2020-2021 Village tax bills.
Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #82-2020 – AUTHORIZE PICNIC TABLE AT LOWE PARK

Motion by Trustee Schutte, seconded by Trustee McCague, authorizing the Lakewood History Committee and Historian Susan Lane to place a picnic table at Lowe Park in the Village of Lakewood.
Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #83-2020 – AUTHORIZE THE RELEVYING OF UNPAID WATER BILLS

Motion by Trustee McCague, seconded by Trustee Fischer, authorizing Village Treasurer Apryl L. Troutman to accept the list of unpaid water bills from the Jamestown Board of Public Utilities, totaling \$ 4,236.44, generated by Village of Lakewood residents, for levying onto the 2020-2021 Village Tax Bill for the corresponding properties.
Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #84-2020 –APPOINT NEW PART-TIME POLICE OFFICER

Motion by Trustee Barnes, seconded by Trustee Fischer, per the recommendation of Chief Bentley, for the Board of Trustees to appoint Mr. Alexander F. Miinte, to the vacated part-time position created by the recent resignation of Officer Nathan Vazquez.
Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #85-2020 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Barnes, seconded by Trustee Fischer, authorizing Village Treasurer Apryl L. Troutman to make mid-year budget transfers for budget shortfalls: \$93.63 from A3410.43 {LFD-Contractual} to A3410.20 {LFD-Equipment} and \$731.85 from A1620.20 {Buildings-Equipment}, \$569.93 to A1410.40 {Clerk-Contractual} and \$ 161.92 to A1325.40 {Treasurer-Contractual}.
Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

DISCUSSION

Village Attorney John I. LaMancuso said he has received an Inter-municipal Agreement proposed by the Town of Ellery relative to the 2020 application of Aquatic Herbicide Treatment in Chautauqua Lake. The agreement is between the Town of Ellery, Village of Bemus Point, Town of North Harmony, Town of Ellicott, Village of Celoron, Town of Busti and Village of Lakewood.

Mr. LaMancuso briefly discussed what he felt were the most important clauses in the agreement, they are:

- Town of Ellery will be the lead agency for SEQRA purposes.
- Each municipality will individually bear the cost of applying for the permits and also actually applying the Herbicides.
- Each party will equally share administrative cost in connection with the application process.
- Each party agrees not to sue each other in connection with the application for permits or applications of Herbicides for the year 2020.
- Each party is being asked if they have sufficient insurance coverage for the herbicide application.
- Each party agrees that if a law suit is filed against any party of the agreement, by a third party, in connection with the application of herbicides in Chautauqua Lake in 2020, the parties agree to equally share the cost of defending any such law suit, including the attorney fees and equally pay all the damages incurred.

APRIL 27, 2020 (continued)

Attorney LaMancuso said he thinks the Village would be taking on a big risk by signing this agreement, there is a good chance there could be litigation on the application of herbicides between the Town of Ellery and a third party. It seems like they are asking the Village of Lakewood to cover part of the Town of Ellery Attorney fees or any judgements.

The Board of Trustees were all in agreement that the Inter-municipal Agreement for the application of Aquatic Herbicides treatment in Chautauqua Lake for the year 2020 is un-acceptable and they would not be executing it.

ANYONE TO BE HEARD

Ms. Ruth Wahl, Lakewood Farmers Market committee member, asked if the beach house at Richard O. Hartley Park could be open when the Farmers Market is taking place this summer so vendors can use the bathrooms.

Mayor Holcomb indicated there is equipment that is stored in the beach house throughout the summer and he would rather not have it left open but the village could look into having a port-a-potty placed in the rear parking area of the former Wilson Farms building.

Motion by Trustee Schutte, seconded by Trustee McCague and unanimously carried the Board adjourned at 7:49 PM.

Mary B. Currie
Village Clerk