

MAY 11, 2020

The ninth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held Monday, May 11, 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 L. Schutte. Also participating through Zoom.us were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Department of Public Works Supervisor Thomas R. Pilling, Village Attorney John I. LaMancuso and Fire Chief Kurt Hallberg. Absent were Police Chief John R. Bentley, and Building Inspector Jeffrey A. Swanson.

#### APPROVAL OF MINUTES

Motion by Trustee Schutte, seconded by Trustee Fischer, to approve the minutes of the last regular meeting of the Board of Trustees held April 27, 2020.

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

Motion by Trustee Barnes, seconded by Trustee Schutte, to approve the minutes of the special meeting of the Board of Trustees held April 29, 2020.

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

#### AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Schutte, that the claims as audited by the Auditing Committee of the abstracts dated May 11, 2020, be approved and that the Clerk shall execute said abstracts (#51 & #51) and direct payment by the Treasurer. Trust & Agency Fund: \$ 45,519.25, (Checks #5042 and #5043), General Fund: \$ 53,101.72, (Checks #16788 through #16823). Voided check #16807 to M&T Bank for ACH payment.

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

#### REPORTS

Mayor Randall Holcomb began his report by saying while parts of Western New York are beginning to re-open we are still considered part of Erie County so our area will remain under Governor Cuomo's "Pause" order, however all village departments and offices' are continuing to run smoothly and uninterrupted during this pandemic.

Mayor Holcomb said he received an e-mail from Glenn Sullivan from SOLitude saying he plans to be on Chautauqua Lake Wednesday afternoon to make his assessment of the plant survey. Mr. Sullivan believes the postponement was necessary to allow sufficient growth of milfoil to be documented and support herbicide treatment, however, this does push back the herbicide treatment until the middle of June.

Mayor Holcomb said he has also spoken to Mr. Pete Ochocki, Lakewood Legion Post #1286 Commander, and he said, although the Memorial Day parade from the Southwestern Central School to Sunset Cemetery has been cancelled there will still be a ceremony of remembrance at the base of the flag at the Sunset Cemetery at 11:00 AM on Memorial Day. Mr. Ochocki invited all to attend but said there will be no refreshment following the ceremony since the Legion remains to be closed.

Mayor Holcomb thanked Trustee Barnes for contacting Zambelli Fireworks Company and finding out that it is possible to cancel the fireworks for the 4<sup>th</sup> of July and re-scheduling them for Labor Day weekend.

Mayor Holcomb reported that at the Town of Busti meeting on Monday evening the board passed a resolution to transfer ownership of the parcels involved in the Grandview Retention Pond Project to the Village of Lakewood.

Supervisor Jesse Robbins also indicated to Mayor Holcomb that Mr. David Wilfong, who resides in the City of Jamestown, has been appointed as Fire Inspector for the Town of Busti, which will also include the Village of Lakewood.

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Mr. Wilfong is a New York State Certified Code Officer and will be able to assist Building Inspector Jeff Swanson if such a time should arise.

Department of Public Works Supervisor Thomas R. Pilling said the LED street light changeover has begun.

Supervisor Pilling also said the playgrounds, Basketball, Tennis and Pickle ball courts in the village parks remain closed due to the Governor's Pause Order.

Mr. Pilling indicated he has one of his employees retiring in June and would like permission from the Board of Trustees to begin looking for a replacement for that position.

Trustee Ted McCague said he understands the NYSEERDA Grant will not be paying for window replacements at the Village Hall and asked DPW Supervisor Pilling if he knows how much money is still available from that grant.

Mr. Pilling said he thinks approximately \$ 24,000.00 has been spent up to this point, so upgrades could be made to furnace or air conditioning units to the building if needed.

Trustee McCague thought maybe it would be a good idea to look into solar panels that could be placed on the flat roof of the Village Hall building.

DPW Supervisor Pilling said he would be happy to give Solar Liberty a call and see what they have to offer.

Trustee R. Richard Fischer wished to thank Supervisor Pilling for the great clean up his crew did in the village after Davey Tree Service came through and trimmed trees.

Police Chief John R. Bentley submitted the Lakewood-Busti Police Department's Incident Analysis Report saying they had two hundred forty-seven incidents for the period of April 27, 2020 to May 11, 2020.

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

Chief Hallberg reported the Lakewood Fire Dept. has a number of new members that are in need of some training so they have begun some limited drills in accordance with NYS guidelines for social distancing and the use of masks. The training they will be doing will be in small groups.

Chief Hallberg also said the Lakewood Fire Department responded to a garage fire on High St., in West Ellicott the night before the meeting on April 27<sup>th</sup>, the next night the LFD assisted in battling a structure fire in a house on Watts Flats Road and on May 2<sup>nd</sup> they were called to another structure fire in a house on Busti-Stillwater Rd., which ended up being a total loss.

Chief Hallberg indicated the Fire Department has been busy during the virus emergency even though they have not been holding meetings or drills.

Village Treasurer Apryl L. Troutman reported the village has received the first grant reimbursement for the Green Street Retrofit Project directly from New York State.

Treasurer Troutman also received an e-mail that Office of State Comptroller (OSC) and they have processed the AIM related payment for the village, although she has not received it in the account yet, she expects it within the next few days.

Village Clerk Mary B. Currie reported the "Request for Quotes" for the Village of Lakewood annual "Junk pick-up" have been sent to three local garbage/waste companies. The request is to have the quotes submitted to the Clerk's Office by May 22, 2020 and to have the pick-up begin the week of June 8, 2020.

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Building Inspector Jeffery Swanson asked the Board of Trustees for their thoughts on having roofing added to the building permits. He said he is beginning to see issues with people adding multiple layers of roofing, which could cause extra stress load on the rafters and trusses.

Mr. Swanson said the New York State and International Residential Code does not allow more than two applications of any type of roof covering and would like to see the Village of Lakewood follow those guidelines.

Mr. Swanson included the NYS and International Residential Code which is as follows:

R908.3.1.1 Roof re-cover not allowed.

A roof re-cover shall not be permitted where any of the following conditions occur:

1. Where the existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

The Board of Trustees all agreed this would be the direction to take in regards to adding Roofing into the Village Code and asked Village Attorney John I. LaMancuso if he could take a look at it.

Trustee Barnes reported for the Public Safety Committee, as a request from Police Chief John R. Bentley requesting new Body Cameras for the police department, since the current cameras are outdated and in need of replacing.

Chief Bentley indicated to Trustee Barnes that new cameras would be approximately \$ 66,000.00 and he would like to lease them over a three year period.

The first payment of \$ 22,000.00 would be paid out of the Police Asset Forfeiture Account and would not be due until June 2021. The remaining two years would then be budgeted out of the Police Equipment account, with the possibility of some of that being defrayed from the Police Asset Forfeiture Account, if there is any in that account.

Trustee McCague asked Trustee Barnes if she knows of any storage issue with the new cameras.

Trustee Barnes indicated the new cameras will have a lot more storage availability than the current ones have.

Trustee McCague also inquired about the technology of the new cameras and if in a couple years, should there be a need to upgrade, will this lease allow us to upgrade or will we be having to look at a whole new system.

Trustee Barnes believes that because it is a lease they would be able to upgrade through the contract but would have to confirm with Chief Bentley if any additional monies would be involved to do any upgrade.

Trustee Douglas Schutte asked if this is something that will have to be put out for bid or if we should check the procurement policy to make sure we are getting what we can for the money.

Village Attorney LaMancuso said he has talked to Chief Bentley about all the issues he is having with the current cameras and thinks it is a good idea going forward with the purchase of new cameras but does think going with the procurement policy is a good idea to make sure we are getting the best we can.

#### RESOLUTION #87-2020 APPROVE LEASE AGREEMENT FOR POLICE BODY CAMERA

Motion by Trustee Barnes, seconded by Trustee Schutte, for the Board of Trustees to approve the Lakewood-Busti Police Department to enter into a three year lease agreement, with a yet to be determined company, for the lease of body cameras in accordance with the Village of Lakewood procurement policy.

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

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RESOLUTION #88-2020 – CANCEL THE 4<sup>TH</sup> OF JULY SUMMERFEST AND FIREWORKS DISPLAY

Motion by Mayor Holcomb, seconded by Trustee McCague, for the Board of Trustees to cancel the Village of Lakewood Annual 4<sup>th</sup> of July Summerfest and firework display for the year 2020 due to the COVID-19 pandemic. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

Trustee Schutte said he would like to see the funds that were allocated for the 4<sup>th</sup> of July/Summerfest to be used for something that the village residents would be able to enjoy.

RESOLUTION #89-2020 – AUTHORIZE FUND TRANSFER

Motion by Trustee Fischer, seconded by Trustee Schutte, to authorize Village Treasurer Apryl L. Troutman to transfer, \$ 48.36 from Trust & Agency Account T1093.15 {Farmers Market Fund} to General Fund A8510.40 {Community Beautification - Contractual} to reimburse Ms. Ruth Wahl for Farmers Market expenditures. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #90-2020 – AUTHORIZE YEAR-END BUDGET TRANSFERS

Motion by Trustee McCague, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make all necessary year-end budget transfers for the fiscal year 2019-2020. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #91-2020 – APPROVE 2020 DOCK PERMIT APPLICATIONS

Motion by Trustee Barnes, seconded by Trustee Schutte, to approve the 2020 Dock Permit Application as submitted by David and Denise Doane, 127 Erie Street, for the Lowe Ave. right-of-way and the Gifford St. Homeowners Association (John Hickey), 147 W. Summit St., for the Gifford Ave. right-of-way. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

RESOLUTION #92-2020 – ACCEPT PARCEL OF LAND FROM TOWN OF BUSTI

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to accept a parcel of land from the Town of Busti to be used for the Grandview Storm Water Management Project once the proper paperwork has been completed. Adopted: 4 ayes, no nays (Barnes, Fischer, McCague, Schutte)

DISCUSSION ON TRUSTEE'S SALARY

Trustee Barnes requested a resolution to be made on the best way to donate her annual salary back to the Village of Lakewood for the fiscal year 2020-2021.

Trustee Schutte asked if a Trustee could just refuse to accept their salary for the year to be able to avoid paying payroll taxes.

Village Attorney LaMancuso said if a public official's salary is to be changed in any way, during their term in office, the village would have to pass a local law and that local law would have to go to a referendum, placed on a ballot and voted on by village residents, which would end up being a very long process.

Trustee McCague asked Attorney LaMancuso what if a Trustee was to agree to a 30 percent pay cut in this particular year, the budget reflected that and the money was transferred to another area of the budget, would that be doable.

Mr. LaMancuso said that would also be changing a public official's salary, during their term in office.

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Trustee Barnes said she was told that you could donate your salary back to the village after the appropriate deductions are taken out, she is trying to avoid having to do this every two weeks. She would like to find a way to do it in one lump sum.

Trustee Schutte said the only problem with that would be you'd be getting paid for a year of service before you even worked it. It is possible to work it out with the treasurer so that your check could be zero.

Trustee McCague said you could make a charitable contribution having a portion of the check go back into the budget.

Trustee Barnes said what she would like to see happen is to have her donation go back into the general fund so it can be used where ever it might be needed instead of in a certain fund.

Village Attorney LaMancuso said he doesn't see any problem with each Trustee donating a portion of their pay back to the village as a line item on their bi-weekly pay stub to which ever account they choose.

#### RESOLUTION #93-2020 – BOARD OF TRUSTEES TO DONATE NET PAY BACK TO THE VILLAGE

Motion by Trustee Schutte, seconded by Trustee Fischer, to authorize Village Trustees and the Mayor to donate any amount, at their discretion, up to the amount of their net paycheck, back to the village to be accounted for on a per payroll basis.

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

#### RESOLUTION #94-2020 – CHANGE DATE OF NEXT REGULAR MEETING

Motion by Trustee Barnes, seconded by Trustee McCague, due to the upcoming Memorial Day Holiday, to postpone the next regular meeting of the Board of Trustees, previously scheduled for Memorial Day, Monday, May 25<sup>th</sup> to Tuesday, May 26<sup>th</sup>. The Board of Trustees meeting will be held at 6:30 PM, preceded by a 6:15 PM work session.

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

#### ANYONE TO BE HEARD

Ms. Ruth Wahl, 106 Winchester Rd, read a petition that was started by the Chautauqua Lake Reel Group, which is being sent to the Chautauqua County Legislature and Public Officials in regards to prohibiting public funding being granted for herbicide use in Chautauqua Lake or any other public waterways in Chautauqua County.

Mr. John Jablonski, 213 Spruce St., asked if the village knows how SOLitude will be surveying the plants in the lake to determine where milfoil is present to be treated with herbicides.

Mr. Jablonski also asked if the DEC will be accompanying SOLitude on their boats to verify their survey.

Trustee Barnes said at this time they are following the same protocols that were in place last year.

Motion by Trustee Barnes, seconded by Trustee Schutte and unanimously carried the Board adjourned at 8:20 PM.

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Mary B. Currie  
Village Clerk