

MAY 22, 2023

The tenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, May 22, 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, Village Treasurer Apryl L. Troutman, Police Chief Christopher A. DePonceau, DPW Supervisor Thomas R. Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. Absent was Village Attorney John I. LaMancuso. A work session was held with no action taken.

Mayor Holcomb began the meeting by wishing Trustee Nancy Jones a very happy birthday.

APPROVAL OF MINUTES

Motion by Trustee Jones, seconded by Trustee Fischer, to approve the minutes of the last regular meeting of the Board of Trustees held May 8, 2023.

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

AUDIT OF CLAIMS

Motion by Trustee Troche, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated May 22, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#52& #52) Trust & Agency Fund: \$ 69,258.29, (checks #7508 thru #7510) General Fund: \$ 131,368.53, (checks #19757 thru #19803),

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

REPORTS

DPW Supervisor Thomas R. Pilling reported that Titan Development Inc., Gasport, N.Y., has fixed all the rutted areas around the playground and planted grass seed. He said the Parks Department is now watering around the playground and waiting for the railings for the stairs to arrive.

Mr. Pilling said the camera poles around the playground have been installed and said there is still some work to be done on setting the cameras up inside the beach house.

Mr. Pilling also reported that today the first course of blacktop was put down on the parking lot at the Community Park boat ramp and said they will be finishing it up tomorrow.

Mayor Holcomb asked Mr. Pilling if there is an update on the railings for the planters on Chautauqua Ave.

Mr. Pilling said they were picked up today, they will be getting the railings on them and will be in place shortly.

Trustee Fischer and Trustee Barnes commented on how beautiful the plantings along Chautauqua Ave. and four corners look.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had three hundred ninety incidents from May 8, 2023 to May 22, 2023 which included eight alarms, ninety-eight business checks, nine check well beings, ten motor vehicle accidents, four peace officer complaints, twenty-three property checks, seventeen shoplifting incidents, nine suspicious situations, seven suspicious people, sixty-three vehicle stops, eleven warrants that were served and/or entered into the system and fourteen times an officer walked the beat at Hartley Park and along Chautauqua Ave. He added the L-BPD has handled three thousand five hundred twenty-six incidents year to date.

Mr. Thomas Marlinski, 36 Ohio Ave., asked Chief DePonceau if there is anything that can be done about the kids that ride the E-scooters along the sidewalks at top speed, they aren't wearing protective head gear and don't care if people are on the sidewalks or walking dogs. He asked if there are any rules or regulations for these scooters or if there is anything that can be done about it.

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Chief DePonceau said scooters are not to be on roads that are more than 35 miles per hour and have to be in the village. He said they are not to ride on sidewalks and if under the age of 14 must wear helmets, he also said they should be following the same rules as bicycles.

Chief DePonceau said he will get some information together on scooters and send it to The Post-Journal.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to four hundred alarms year to date and said that is the same number the LFD had on May 21, 2022.

Chief Hallberg also reported Chautauqua County Emergency Medical Services (CCEMS) has made Mr. Tim Carlson, Senior Paramedic, in charge of all contracts and billing for the Chautauqua County end of ambulance billing so he and Dan Imfeld will be working together to get the EMS billing contract in place and under way with the county.

Village Treasurer Apryl L. Troutman reported the village recently received its sales tax distribution from Chautauqua County for the second quarter of 2023 in the amount of \$ 237,587.48. She noted, with that payment, the amount of sales tax revenue received so far this year is over budget in excess of \$ 205,177.00.

Treasurer Troutman also said she would like the Board of Trustees to be aware that while the New York State overall statewide sales tax for April 2023, was up 1.5% in Western New York, it was actually down 4.5% with Chautauqua County, coming in at negative 10.1%.

Building Inspector Jeff Swanson reported the letters reminding residents to keep their lawns mowed have been sent out and said he is still working with the DEC on the possible C and D landfill on First Street.

Mr. Swanson also said he has been working with the newly appointed Fire Inspector, Greg Sykes, training him on property maintenance issues and said they will be working on the property maintenance violations on Olive Ave. this week.

Mayor Holcomb reported the village received an invitation from the Lakewood American Legion Post 1286 to participate in the Memorial Day Parade, which will be on Monday, May 29th. The parade will begin at 10:45 AM at the Southwestern Central Middle School, 600 Hunt Road and proceed down Hunt Road into the Sunset Hill Cemetery. The invitation says everyone is invited to the Lakewood American Legion, 174 Chautauqua Ave., following the parade for the Memorial Day Service and some refreshments.

Mayor Holcomb also reported the herbicide treatment for Chautauqua Lake will begin May 25th and will involve 50 acres in front of the Lakewood Rod & Gun Club, 433 E. Terrace Ave., east to Burtis Bay.

Trustee Troche reported the bulk of the work of redesigning the Village's website is almost done. He added the main foundation of it should be done this week and then he'll be sending it to the Board of Trustees for suggestions they may have. He said this week they will be working with the Department heads to finalize anything they may have.

DISCUSSION ON FINANCING THE NEW LFD PUMPER

Trustee Barnes said she has been thinking about how to lessen the blow of financing the new Lakewood Fire Department pumper which will need to be financed in three years. She explained that the Fund Balance is monies that were budgeted and never used and indicated it is "very healthy" right now. She said per the Office of the State Comptroller the village is obligated to keep a certain percentage of our budget as a fund balance and then we need to use what is left.

Trustee Barnes said she has talked with the Village Treasurer to see if between the sales tax and the fund balance there would be enough money to put a deposit of approximately \$ 252,000 down on the pumper which would then give us the added benefit of interest. She said the interest would also go towards helping pay for the pumper.

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Trustee Barnes said there is also the Capital Reserve accounts that the village will be putting money into over the next three years, so by the time the fire department actually takes possession of the pumper and it needs to be financed, the village will not have to finance the total amount.

Trustee Barnes said if the village were to finance a new pumper right now, it would have to be done over a period of 10 years and would be approximately \$100,000 a year. This would figure out to be about a 40 cent per 1000 increase in our tax rate and would be a significant increase in taxes. She said this is just something she would like everyone to think about.

Fire Chief Hallberg thought that sounded like a good way to handle it.

RESOLUTION #108-2023 – APPOINTMENT OF LIFEGUARDS FOR THE 2023 BEACH SEASON

Motion by Trustee Jones, seconded by Trustee Barnes, per the recommendation of Trustee Jones, for the Board of Trustees to appoint the lifeguard staff for the 2023 beach season as follows: Supervisory Lifeguard, Madeleine DuBois (\$ 16.00/hr.), Lifeguards: Evelyn Montagna, Caroline Apthorpe, Anthony Hren, Donavin Brown and Peyton Range (\$ 14.50/hr.).

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

Trustee Jones introduced each of the newly appointed lifeguards.

RESOLUTION #109-2023 – APPROVE GIFFORD AVE. LAROW DOCK PERMIT

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to approve the 2023 LAROW Dock Permit application as submitted by Mr. William Jones, 14 Gifford Ave., for the Gifford Ave. R-O-W.

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

RESOLUTION #110-2023 – ACCEPT QUOTE FOR THE ANNUAL “JUNK PICK-UP”

Motion by Trustee Fischer, seconded by Trustee Jones, to accept the only quote as submitted by Beichner Disposal, Sinclairville, N.Y., to conduct the 2023 Annual “Junk pick-up” in the village of Lakewood beginning the week of June 5th. The quote indicates there will be three (3) men with a packer truck, the trash pick-up will be

\$ 235.00/hour and the disposal rate will be \$ 45.00/ton.

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

RESOLUTION #111-2023 – APPROVE VILLAGE ATTORNEY RETAINER AGREEMENT

Motion by Trustee Fischer, seconded by Trustee Troche, 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 \$ 8,750.00 for the period of June 1, 2023 thru December 31, 2023, and to authorize Mayor Holcomb to execute the same.

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

**RESOLUTION #112-2023 – APPROVE A SPECIAL MUSIC PERMIT FOR THE LAKEWOOD
ROD & GUN CLUB**

Motion by Trustee Barnes, seconded by Trustee Troche, to approve the Special Music Permit Application as submitted by the Lakewood Rod & Gun Club, 433 E. Terrace Ave., requesting outside music for the months June, July and August 2023, per dates and times on permit application.

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

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RESOLUTION #113-2023 – APPROVE A SPECIAL MUSIC PERMIT FOR GROUP THER-HAPPY

Motion by Trustee Troche, seconded by Trustee Fischer, to approve the Special Music Permit Application as submitted by Group Ther-Happy, 103 Chautauqua Ave., requesting outside music for the months May thru October, per dates and times on the permit application with the exception of the May 26th concert. The owner has agreed to submit a separate Special Music Permit Application for that date with the time being changed to end at 10:00 PM.

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

Trustee Fischer made the suggestion that when a band is playing someone go to Alta Way and make sure the sound does not travel beyond that point.

RESOLUTION #114-2023 – AUTHORIZE YEAR-END BUDGET TRANSFERS

Motion by Trustee Jones, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make all necessary year-end budget transfers for the fiscal year 2022-2023.

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

RESOLUTION # 115-2023 - AUTHORIZE FUND TRANSFER

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for the new K-9 shed: \$ 5,200.00 from T1093-37 {Police-K9 Dog Unit} to A3120.40 {Police-Contractual}.

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

RESOLUTION # 116-2023 – AUTHORIZE DELIVERY & INSTALLATION OF NEW DOCK

Motion by Trustee Fischer, seconded by Trustee Barnes, to authorize Extreme Marine, Ashville, NY to deliver and install the new dock at Lakewood Beach and accept the quote of \$ 2,500.00 to do so.

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

RESOLUTION # 117-2023 - APPROVE HIRING TWO (2) PART TIME POLICE OFFICERS

Motion by Trustee Troche, seconded by Trustee Jones, to approve hiring Mr. Elliot Johnson, Panama, N.Y. and Mr. Eathan C. Johnson, Panama, N.Y. as part-time Police Officers for the Lakewood-Busti Police Department. Per the recommendation of Chief DePonceau, both officers date of hire will be June 2, 2023 and they will be compensated at the rate of \$19.50 per hour.

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

ANYONE TO BE HEARD

Mr. Leon Stein, 132 W. Summit St., asked what the status is with the Short Term Rentals? He indicated that there are several homes to the west of his that are now rentals and one of the problems they are having is smoke coming into their house from bonfires.

Trustee Barnes said there will be a Public meeting on the subject of Short Term Rentals that will be conducted like an “open house” in the near future. She noted this meeting will be advertised on the village web-site, the village Facebook page, announced in the newspaper and there will be fliers.

Trustee Barnes said she encourages all interested residents to come to the meeting with their questions and concerns.

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Ms. Sue Weaver, 170 Lakeside Boulevard, West Ellicott came before the Board of Trustees to inquire about paving the side of the road along E. Summit Street from the Boat Launch to Shadyside Ave. making it safer for walkers, runners and bicyclist.

DPW Supervisor Tom Pilling said that is a County Road and indicated he would see what he can do.

Motion by Mayor Holcomb, seconded by Trustee Troche, and unanimously carried the Board adjourned at 7:10 PM.

Mary B. Currie
Village Clerk