

JUNE 12, 2023

The eleventh regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, June 12, 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, Village Attorney John I. LaMancuso and Fire Chief Kurt Hallberg. Absent was DPW Supervisor Thomas R. Pilling and Building Inspector Jeff Swanson. During the work session Trustee Barnes asked that a resolution be added to the agenda authorizing Media One Radio to advertise the Village of Lakewood summer events.

APPROVAL OF MINUTES

Motion by Trustee Fischer, seconded by Trustee Troche, to approve the minutes of the last regular meeting of the Board of Trustees held May 22, 2023.

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

AUDIT OF CLAIMS

Motion by Trustee Jones, seconded by Trustee Fischer, that the claims as audited by the Auditing Committee of the abstracts dated June 12, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#2 & #2) Trust & Agency Fund: \$ 65,665.01, (checks #7515 thru #7545, direct deposit), General Fund: \$ 173,218.79 (checks #19806 thru #19863) voided check #19840, M&T Bank. **NOTE:** Old Year \$ 90,213.22, New Year, \$ 107,703.25, (add on \$ 24,697.68, regular \$ 83,005.57).

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

REPORTS

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had six hundred thirty-five incidents from May 22, 2023 to June 12, 2023 which included twelve alarms, one hundred thirty-six business checks, nine assists with the LFD, fourteen check well beings, six domestic disputes, ten motor vehicle accidents, four peace officer requests, twenty-six property checks, fifteen shoplifting incidents, one hundred fifty-five vehicle stops, nine suspicious situations, ten suspicious people, thirteen vehicle complaints, twenty-four warrants that were served and/or entered into the system and seventeen times an officer walked the beat at Richard O. Hartley Park and along Chautauqua Ave. He added the L-BPD has handled four thousand one hundred forty-two incidents year to date.

Chief DePonceau expressed his gratitude for all the support the Board of Trustees has given Sarge, the new canine dog who suffered a medical event during training on May 31st.

Chief DePonceau said Sarge ended up at the Veterinary Medical Center in Orchard Park, N.Y., for emergency surgery. He said the canine program is totally funded through donations, so with the numerous medical expenses that have accrued, there are a variety of fundraisers being planned to cover those expenses.

Chief DePonceau said the Police Benevolent Association for the L-BPD is planning a spaghetti dinner on July 15th, he also heard someone is starting a GoFundMe account for the dog and there is a possibility T-shirts will be for sale, all to help raise money for the medical bills.

Chief DePonceau added Sarge is likely to be ok and is back home with his handler resting until he can begin training again.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to four hundred sixty-five alarms year to date.

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Chief Hallberg also reported the LFD has responded to several fires in the last couple of weeks, one of which was on Rt. 474 and quite far along before it was reported. Once on the scene firefighters quickly extinguished the blaze. Chief Hallberg also reported there was a brush and woods fire along Big Tree Road that was intentionally set.

Chief Hallberg reported the LFD has responded to a couple of mutual aid fires, one of which was a house in Frewsburg and said the LFD filled the tankers for Busti and Sugar Grove Fire Departments.

Chief Hallberg also said the Fire Department has begun planning their annual Open House which will be held during fire prevention week on October 14th.

Trustee Jones reported that the new dock has been installed at the beach, however the Village is still waiting for the new set of steps to be delivered. She also said this year there will be a great group of lifeguards who are all trained in first aid and are very well prepared. The Beach House will serve as a first aid station for the entire park this summer.

Mr. Peter Conley, 7 Winchester Rd., asked if the beach will be open to the public this year and if there will be a cost to use it.

Trustee Jones said the beach will be open to the public and there will be no charge to enter.

Mrs. Jill Conley, 7 Winchester Rd., said she has noticed on Monday mornings the trash cans at Hartley Park are overflowing with garbage and trash that has accumulated over the weekends. She asked if the Village could either provide larger trash cans or just add a few more to those currently in use at the park.

Mr. Ted McCague reported for the Historic Preservation Committee by first thanking Mr. Mike Zabrodsky, reporter for The Post-Journal, on the great article he wrote on the approval of the nomination for the Anthony C. Caprino building for the State Historic Register of Properties.

He said along with the application that was submitted to the State, there was an interesting narrative on the history on the building that he thinks would be great to have on the village web-site.

Mr. McCague said he virtually attended the meeting of the New York State Board of Review this past Thursday, June 8th, in Canandaigua, NY. He said Mr. Greg Pinto, Associate Architectural Historian for Clinton Brown Company, Buffalo, N.Y., was in attendance representing the nomination application and made some brief comments in support of it. He noted there were representatives in attendance from all over the State, one representative was from The Preservation League of New York, who was instrumental in helping the Village of Lakewood with their grant to do the Structure Report and another was from The Landmark Society of Western New York.

Mr. McCague said the nomination was presented to the board by Ms. Jennifer Walkowski, Historic Preservation Program Analyst for New York State Parks, Recreation and Historic Preservation. He said Ms. Walkowski did a really professional job of presenting the application and referred to the support letters from Senator George Borello, County Executive P.J. Wendel and Mayor Randall Holcomb.

Mr. McCague said the nomination was made, the Deputy Director requested a motion, there was a second and they unanimously voted to approve it. He said there was a lot of support all the way around with some very high level competent people who know what they're talking about with the historic preservation of the building.

Mr. McCague said next the nomination will be automatically submitted to the National Park Service in Washington DC for review and approval. If that is approved, the final step will be to go on the National Listing of Historic Places, which usually takes two to three weeks. He added, if the Village gets a National listing, it will receive a plaque for the building and suggested the Board of Trustees consider having a ceremony accepting it.

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Mr. McCague said what this means for Lakewood is our historically significant building can be properly restored, making it much more usable, which will preserve the seat of governance and the center of cultural activity well into our community's future. Mr. McCague said this listing, along with the Historic Structure Report that was completed earlier this year, strengthens our ability to secure funding to do the restoration, rehabilitation and preservation work that the building demands. He also said this will broaden the number of financial resources that are available to the village to fund these projects.

Mr. McCague said by being on the listings there is now a whole new world of grant opportunities and funding sources to help keep the building in good shape. He said what he would like to do now is meet with Mayor Holcomb and Deputy Mayor Troche to discuss what next step they would like to take. Mr. McCague thanked everyone who helped to achieve this wonderful goal.

The entire Board of Trustees thanked Mr. McCague for all the hard work and time he put into achieving this nomination.

RESOLUTION #118-2023 – SET TIME & DATE FOR PUBLIC HEARING
RE: FIREFIGHTERS REAL PROPERTY TAX EXEMPTION

Motion by Mayor Holcomb, seconded by Trustee Fischer, to set 6:45 PM, Monday, June 26, 2023, as the time and date for the Board of Trustees to conduct a public hearing to discuss and vote on Local Law #1-2023, proposed addition to Chapter 21, of the Village of Lakewood Code, offering Volunteer Firefighters and Ambulance workers a 10% exemption on their Real Property Taxes.

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

RESOLUTION #119-2023 – AWARD CONTRUCTION BID FOR THE GRANDVIEW
STORMWATER MANAGEMENT PROJECT

Motion by Trustee Troche, seconded by Trustee Jones, for the Board of Trustees to award the Construction Bid by the Village of Lakewood for the Grandview Stormwater Management Project
WHEREAS, the Board of Trustees of the Village of Lakewood issued an Invitation for Bids for construction of the Grandview Stormwater Management Project on May 11, 2023, and received sealed bids for construction on June 2, 2023; and

WHEREAS, the lowest responsive and responsible bid was submitted by Rock of Western New York, Inc., Westfield, N. Y. and said bid was reviewed and recommended for award by the Project Engineer, Andrew Johnson of EcoStrategies, PLLC., Falconer, N.Y.; and

WHEREAS, the Village Board accepts the recommendation for award of the Project Engineer in accordance with the Village's Procurement Policy and applicable New York State procurement law; therefore, be it RESOLVED that the Village of Lakewood Board of Trustees, in the County of Chautauqua, hereby awards the construction bid for the Grandview Stormwater Management Project to Rock of Western New York, Inc. for the following bid components (marked with an 'X') and amount(s):

Base Bid = \$237,650.00

Additive Item #1 = \$4,500.00

Additive Item #2 = \$4,900.00

Additive Item #3 = \$1,350.00

Total Value of Bid Award (including Base Bid plus Additive Items) = \$248,400.00.

The award is contingent on the awarded bidder's completion of all requirements of the Village's Bid Solicitation Documents and the Village's grant agreement with the New York State Department of Environmental Conservation (NYSDEC) for Contract #C01491GG. The Village Board Authorizes the Mayor to execute a construction contract with the awarded bidder upon completion of said requirements.

NOTE: S. St. George Enterprises, Inc. submitted a bid of \$339,100.00 and Lakeshore Paving, Inc. submitted a bid of \$511,400.00, both bids included all three additive items.

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

JUNE 12, 2023 (continued)

RESOLUTION #120-2023 – AUTHORIZE PARAMEDIC INTERCEPT AGREEMENT WITH CCEMS

Motion by Trustee Troche, seconded by Trustee Fischer, that the Board of Trustees authorize the Paramedic Intercept Agreement between Chautauqua County Emergency Medical Services (CCEMS) and the Village of Lakewood and also authorize Mayor Holcomb to execute the same.

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

RESOLUTION #121-2023 – AUTHORIZE PARAMEDIC INTERCEPT AGREEMENT WITH ALSTAR EMS

Motion by Trustee Jones, seconded by Trustee Fischer, that the Board of Trustees authorize the Paramedic Intercept Agreement between ALSTAR Emergency Medical Services (EMS) and the Village of Lakewood and also authorize Mayor Holcomb to execute the same.

Adopted: 3 ayes, no nays (Barnes, Fischer, Jones) 1 abstained, (Troche)

RESOLUTION #122-2023 – APPROVE ONE VILLAGE BOARD OF TRUSTEES MEETING A MONTH

Motion by Mayor Holcomb, seconded by Trustee Troche, to approve reducing the Village of Lakewood Board of Trustees from meeting two (2) times a month to one (1) meeting a month with the meeting to be held the second Monday of each month at 6:30 PM, beginning July 2023. If there is ever a need for the Board of Trustees to meet more than once, a special meeting will be held. January 2024 this decision will be revisited at the annual organizational meeting.

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

RESOLUTION #123-2023 – AUTHORIZE ADVERTISING ON MEDIA ONE RADIO

Motion by Trustee Barnes, seconded by Trustee Troche, to authorize advertising the Lakewood Farmers' and Artisan Market and the Live on the Lakes Concert Series with Medio One Radio station for the months of June, July and August at the cost of \$75.00 per month.

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

ANYONE TO BE HEARD

Mr. Randall Perry, Executive Director of the Chautauqua Lake Watershed and Alliance, appeared before the Board of Trustees to answer any questions on the Grandview Stormwater Management Project. He said this project is going to help manage stormwater runoff in the Grandview area and also with downstream effects along West Fairmount Ave., all the way to the lake. Mr. Perry said this will help to slow down runoff and hold back storm-water temporarily. He added it will be a similar storm-water detention area as that of the recently completed Crescent Creek Project.

Mr. Perry said this project will hold some of the water, slowing it down and letting it soak in. It will drop some of the sediments and nutrients that runoff carries. He said the village has been working really hard and wanted to acknowledge the rest of the team which includes the Chautauqua Watershed Conservancy, EcoStrategies, PLLC, and the Alliance.

Mr. Perry said he is very proud to have worked with the Village of Lakewood, through his roles with the Alliance, for a number of years now. With work still to do, this project will be another major step that hopefully offers the village and the lake as a whole, many years of benefits for water quality and flood reduction and also provide a new accessible nature park for people on a village owned property. In addition to green infrastructure there will be walking trails, some new habitat for turtles, birds, bats etc. There will be a nice blend of a lot of different features, while at its core be a really functional, watershed based project aimed at reducing sediment and nutrient loading to the lake and control flooding in the adjacent areas of the Village.

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The hope is that the majority of construction will be done with the likelihood of some touch-up work to do in the spring.

Mr. Perry concluded his report by saying the Alliance is very excited about this worthwhile project and thanked everyone for all their hard work and support.

Trustee Fischer asked if this project will help with the various locations along the lake that are currently building up sediment.

Mr. Perry said the village has several locations where sediment builds into the lake and each one has its own characteristics. He said this particular project is going to influence a portion of the runoff areas to the lake although sediment removal or dredging are options that can also be explored.

Mr. Perry said this project is strictly for helping the watershed with the future of the lake, not necessarily do anything about the past sedimentation. The combinations of projects that have been put into place over the last few years were meant to help the problems that have developed over decades or longer incrementally. The more municipalities that show leadership on the watershed side of things sometimes opens more options for lake maintenance at the state and federal level.

Mrs. Jill Conley asked for an update on the status of the Short Term Rental Moratorium.

Trustee Barnes said the committee met three weeks ago with Bergman and Associates, the consultants working with the village on this. They got a sense from the committee what direction they would like to go and are preparing their final draft which will then be presented to the public. We will then hold a public meeting in the format of an open house which will have about a two (2) week notification so those interested can attend. At the meeting folks will be able to ask questions and voice their concerns. The feedback from that meeting will go back to the consultants for any adjustments to be made to the final draft. At that time the final draft will be presented to the Board of Trustees and another public meeting will be held prior to it being approved.

Mr. Peter Conley asked if the village would look into having plastic recyclables pickup twice a month instead of once a month, like what is currently done with papers.

RECESS

Motion by Mayor Holcomb, seconded by Trustee Troche, to recess the regular meeting at 7:09 PM, so as to enter into executive session to discuss a personnel matter.

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

EXECUTIVE SESSION

Present at the executive session, were Mayor Randall G. Holcomb, Trustee Ellen E. Barnes, Trustee R. Richard Fischer, Trustee Nancy W. Jones, Trustee Benjamin J. Troche, Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Village Attorney John I. LaMancuso, Fire Chief Kurt Hallberg and Assistance Fire Chief Steve Smouse.

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Fischer, seconded by Trustee Troche and unanimously carried to adjourn the executive session and the regular meeting of the Board of Trustees at 7:25 PM.

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

Mary B. Currie
Village Clerk