

JUNE 26, 2023

The twelfth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, June 26, 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, DPW Supervisor Thomas R. Pilling and Fire Chief Kurt Hallberg. Absent was Building Inspector Jeff Swanson. A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Jones, to approve the minutes of the last regular meeting of the Board of Trustees held June 12, 2023.

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

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Fischer, that the claims as audited by the Auditing Committee of the abstracts dated June 26, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#4 & #4) Trust & Agency Fund: \$ 64,862.33, (checks #7546 thru #7582, direct deposit), General Fund: \$ 138,750.50 (checks #19864 thru #19890) voided check #19878, ACH to M&T Bank.

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

REPORTS

DPW Supervisor Thomas Pilling reported that he has received two quotes for the new doors at the beach house and indicated they will need to have the new locking system installed with them. He said one of the quotes was from D & S Glass, Jamestown, NY and the other was from Chautauqua Brick, Bemus Point, NY.

Mr. Pilling said the quote he received from D & S Glass is \$ 8,893.00 and includes the installation of the doors which makes it approximately \$ 1,500.00 less expensive than the quote from Chautauqua Brick. Mr. Pilling recommended going with D & S Glass and asked if the village would be covering the cost of the doors or if the Lakewood Community Development Corporation (LCDC) will be.

Mr. Pilling also reported that Mr. Pat Marlinski, owner of Marlinski Landscaping, Lakewood, NY did some new landscaping around the area of the Lakewood Fire Station. He noted Mr. Marlinski donated all the new shrubs plus his labor costs. Mr. Pilling said it looks great and wished to thank him for his time and materials.

Mr. Pilling asked the Board of Trustees what their intentions are with the village employees working on the 4th of July this year. He indicated each year the Street Department is called in to empty garbage cans and fix electrical problems and asked if his employees will be paid to do so.

Trustee Barnes said village employees can be paid but only for a few hours.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had three hundred sixty-four incidents from June 12, 2023 to June 26, 2023 which included ninety-eight business checks, nine check well beings, three disorderly people, five domestic disputes, two larceny complaints, eleven motor vehicle accidents, five peace officer requests, eighteen property checks, five shoplifting incidents, thirteen suspicious situations, seven suspicious people, fourteen vehicle complaints, forty-nine vehicle stops, eighteen warrants that were served and/or entered into the system and the speed trailer has been moved four or five times. He added the L-BPD has handled four thousand four hundred ninety-seven incidents year to date.

JUNE 26, 2023 (continued)

Chief DePonceau said Sarge is continuing to recover every day and may return to work in a week or two. Chief DePonceau said the Police Benevolent Association (PBA) along with Evolution Spin, 5 Fairdale Ave., would like to schedule a motorcycle event as a canine fundraiser for Sarge. He said they are planning four laps around the village which will be about a six mile ride and would like permission to use the village streets on August 13th from 9:00 am to 11:00 am.

Chief DePonceau also reported that Part-time Police Officer Douglas Goodwin has submitted his letter of resignation and will be retiring. He said for retirement purposes Officer Goodwin needs a break of service but indicated he would be willing to fill in if needed.

Chief DePonceau said last week there was a neighbor dispute on Elmcrest Ave. where one round was fired from a handgun. Thankfully, there was no property damage and no one was injured. He said law enforcement knows the suspect who discharged the firearm and has issued a warrant for his arrest.

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

Chief Hallberg also reported there have been several vehicle accidents the LFD has responded to, one of which was an eleven year old driver and two motorists suspected to be under the influence of alcohol.

Village Clerk Mary B. Currie said she talked with Beichner Disposal Services about plastics being recycled twice a month. She was told they could do it but they would have to add another truck, which would increase the monthly charge. Ms. Currie said they discussed collecting newspapers and plastics twice a month and on the months when there is an extra week and there are no recyclables scheduled for pick-up, they could pick up the metals. It was the recommendation of Ms. Currie to wait and pursue this when the current contract with Beichner Disposal Services expires in May 2024.

Mayor Holcomb said he received the official letter from the New York State Parks Recreation and Historic Preservation saying the Anthony C. Caprino Municipal building has been listed on the New York State Register of Historic Places and will now be nominated to the National Register of Historic Places.

Trustee Jones reported the beach at Richard O. Hartley Park will be opening for the 2023 season at 11:00 AM, Friday June 30th.

Trustee Jones also said she is looking into setting up a volleyball net on the beach.

Trustee Fischer suggested contacting E2CCB Hewes Center in Ashville, N.Y., to see if they would make a raft for the beach before the 2024 summer season.

Trustee Fischer also thanked Mike's Nursery, 199 E. Fairmount Ave., for all the flowers planted along Chautauqua Ave., which they donated again this year.

RECESS

Mayor Holcomb recessed the regular meeting of the Board of Trustees at 6:45 PM, so as to conduct a previously scheduled public hearings.

JUNE 26, 2023 (continued)

**PUBLIC HEARING – 6:45 PM
PROPOSED LOCAL LAW #1-2023
VOLUNTEER FIREFIGHTERS & AMBULANCE WORKERS
EXEMPTION ON REAL PROPERTY TAXES**

Mayor Holcomb opened the public hearing at 6:45 PM for the proposed Local Law #1-2023, adding Article III to Chapter 21, of the Village of Lakewood Code, offering Volunteer Firefighters and Ambulance Workers a 10% exemption on their Real Property Taxes.

Mayor Holcomb asked if there was anyone that would like to be heard regarding the proposed Local Law #1-2023.

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

**RESOLUTION #124-2023–ADOPT LOCAL LAW #1-2023, VOLUNTEER FIREFIGHTERS AND
AMBULANCE WORKERS PROPERTY TAX EXEMPTION**

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to adopt Local Law #1-2023, Volunteer Firefighters and Ambulance Workers Property Tax Exemption, as proposed and on file in the Village Clerk's Office.

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

Trustee Barnes said this is a nice way to show our appreciation for their dedication to our village.

Chief Hallberg thanked the Board of Trustees for adopting this.

**RESOLUTION #125-2023 – APPROVE CONTINUED MEMBERSHIP WITH CHAUTAUQUA
LAKE AND WATERSHED MANAGEMENT ALLIANCE**

Motion by Trustee Troche, seconded by Trustee Jones, to approve the continued membership between the Village of Lakewood and the Chautauqua Lake and Watershed Management Alliance. The annual dues are \$ 1,000.00 and will represent membership for the period July 1, 2023 – June 30, 2024.

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

DISCUSSION ON LAKE MANAGEMENT DISTRIBUTION

Mayor Holcomb said typically the village has allocated \$ 1,000.00 to the Chautauqua Watershed Conservancy (CWC) \$ 1,000.00 to the Chautauqua Lake Partnership (CLP) and \$ 3,000.00 to the Chautauqua Lake Association (CLA).

Trustee Fischer said he would like to see those amounts change this year to \$ 500.00 to the CLP, \$ 1,000.00 to the CWC and \$ 3,500.00 to the CLA. Trustee Fischer said anytime during the summer you can see the CLA cutting weeds along the entire lake except in Bemus Bay and said that is because there are never any weeds in Bemus Bay. Trustee Fischer said he believes there are no weeds in that area because that is where most of the members of the CLP live and since the CLA is working every day they should get the majority.

Trustee Barnes said she thinks \$ 1,000.00 for the CWC, \$ 2,000.00 for the CLP and \$ 2,000.00 for the CLA is an appropriate amount for each. She said the CLA does work the whole lake and the CLP helps the Village financially with the herbicide treatments. She said in her opinion they all work together to keep the lake usable.

Trustee Troche said he would like to table this until the July meeting so he can do a little more research on it.

JUNE 26, 2023 (continued)

Trustee Barnes said you can find a lot of information and studies that have been done on the Chautauqua Lake and Watershed Management Alliance website.

Mr. Craig Seger, 31 Winchester Rd., said he and his wife do not apply any herbicides, insecticides or fertilizers to their property and he realizes there is a certain percentage from every lawn that gets to the lake. He said what he has a problem with is his tax money going towards herbicides being applied into the lake that nobody has any idea what affects those herbicides will have. He said there was a statement that was just released about Silica and how you should not use any weeds for composting, he wonders why that would be if they are not harmful.

Mr. Seger said the village has done an amazing job of stormwater retention and a big stance on environmental approaches to the lake, you don't apply any herbicides, insecticides or fertilizers to the lawn leading down to the lake, so why does the village contribute towards an application of herbicides that we do not know the long term ramifications.

Ms. Ruth Wahl, 106 Winchester Rd., said she also doesn't want her tax dollars going to the application of herbicides into the lake or the CLP to help pay for them. She said there was an article in The Post-Journal where one of the founders of the Jefferson Project was quoted saying you can either have weeds or you can have harmful algal blooms (HABs). If you put herbicides in the lake, it kills the weeds but then there's more nutrients available for HABs adding HABs can be toxic in some cases. She said they have neurotoxins, and those are dangerous to pets and to human health. She said in her opinion they are far worse than having the weeds. The CLA can cut the weeds and take the nutrients out of the lake, but if we put herbicides in then the nutrients are left in the lake.

Ms. Cheryl Mawhinney, 240 W. Summit St., said she would like to see the CWC and CLA get a larger portion of the allocated funds than CLP. She said she has owned her house on the lake for 15 years and in the last five or six years she's noticed the HABs getting really bad. She said she realizes the weeds are a pain for boaters, but they deal with them. She said she used to use a pitchfork to get the weeds and put them in her gardens, but can't do that anymore. She said the HABs have gotten so bad she can't even swim in the water in July. In prior summers the HABs weren't bad until later in August and believes the water quality of the lake has gotten progressively worse over the years.

Ms. Mawhinney said they took friends out in their boat to go swimming and noticed Bemus Point has algae blooms all over the water, so they didn't swim. She said in Sherman's Bay, where she lives, there weren't any although they come and go, but nothing like Bemus Point had. She said she thinks there is a connection between using the herbicides and killing a lot of weeds fast and there seems to be some scientific evidence that there is a problem with the algae blooms so talking about the weeds and the algae bloom separately doesn't make sense. She thinks there needs to be an experiment done since there are so many variables that apply from temperatures in the winter and ice cover. She said she doesn't have all the data and hopes the village gets the data and pays attention to it before applying for the permits.

Trustee Barnes explained statistics, data and additional information regarding past studies on Chautauqua Lake and said the studies can be found in the Jefferson Project which is on the Chautauqua Lake & Watershed Management Alliance website.

**RESOLUTION #126-2022 – TABLE DISTRIBUTION OF BUDGETED MONEY TO LAKE
MANAGEMENT ASSOCIATIONS**

Motion by Trustee Troche, seconded by Trustee Fischer, to table the distribution of budgeted money for Lake Management Association fees until the next regular meeting of the Board of Trustees, dated July 10, 2023, to give the Trustees an opportunity to obtain more information.

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

JUNE 26, 2023 (continued)

RESOLUTION #127-2023–AMEND RESOLUTION #5-2023, TIME & DATE OF REGULAR VILLAGE BOARD MEETINGS

Motion by Trustee Troche, seconded by Trustee Fischer, for the Board of Trustees to amend Resolution #5-2023, setting the time and date for regular Village Board Meetings at 6:30 pm on the second Monday of each month, preceded by a 6:15 PM work session.

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

RESOLUTION #128-2023–APPROVE SPECIAL MUSIC PERMIT FOR GROUP THER-HAPPY

Motion by Trustee Troche, seconded by Trustee Barnes, to approve the Special Music Permit Application as submitted by Group Ther-Happy, 103 Chautauqua Ave., requesting outside music on July 4, 2023 from 1:00 PM to 10:00 PM.

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

RESOLUTION #129-2023–TABLE LOWERING AGE LIMIT OF AN INTERIOR FIREFIGHTER

Motion by Trustee Barnes, seconded by Trustee Fischer, to table lowering the age requirements of an interior firefighter from the age of 18 years old to 17 years old until the next regular meeting of the Board of Trustees, dated July 10, 2023.

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

Trustee Barnes asked to table the decision on lowering the age until the July 10th meeting to give the Board of Trustees some time to work on different rules and regulations that will need to be put in place for this.

RESOLUTION #130-2023–AUTHORIZE GRANT BUDGET MODIFICATIONS

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Village Treasurer Apryl L Troutman to make the following June 1, 2023 budget modifications for ongoing grants: Grandview Stormwater Management Project Budget – Revenue Account, A-103997.10 {Natural Resources – Stormwater Grants} \$284,938.00, Expenditure account A-8745.41 {Natural Resources – Stormwater} \$284,938.00. Richard O. Hartley (ROH) Park Improvement Project Budget – Revenue Account, A-103897.00 {State Aid, ROH Park Improvements Grant} \$32,275.00, Expenditure Account, A-7997.00 {ROH Park Improvements} \$32,275.00.

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

RESOLUTION #131-2023–AUTHORIZE CREATION OF EXPENDITURE ACCOUNT

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to create the following expenditure account: A-1650.40 {Central Communication System} for phone, cellular phone, internet and website expenses.

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

RESOLUTION #132-2023– AUTHORIZE BUDGET MODIFICATIONS

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman and make the following budget modifications for phone, cellular phone, internet and website expenses by increasing A-1650.40 {Central Communication System} by \$26,180.00 and reducing the following accounts: A-1325.41 {Treasurer – Phones} by \$600.00, A-1410.41 {Clerk – Phones/Long Distance} by \$1,250.00, A-1620.40 {Buildings – Contractual} by \$6,160.00, A-3120.41 {Police – Telephones} by \$10,100.00, A-3410.46 {LFD – Phone/Cell/Internet} by \$5,000.00, A-3620.41 {Code Enforcement – Phones/Cells} by \$700.00, A-5110.48 {Street Maintenance – Phones/Cells} by \$1,800.00 and A-7140.44 {Playgrounds – Telephones} by \$570.00.

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

JUNE 26, 2023 (continued)

RESOLUTION #133-2023–AUTHORIZE CREATION OF EXPENDITURE ACCOUNT

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to create the following expenditure accounts: A-1670.20 {Central Printing and Mailing – Equipment} and A-1670.40 {Central Printing and Mailing – Contractual} for postage and mailings.

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

RESOLUTION #134-2023–AUTHORIZE BUDGET MODIFICATIONS

Motion by Trustee Fischer, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L Troutman to make the following budget modifications for printing and mailing expenses. Increase the following accounts: A-1670.20 {Central Printing and Mailing – Equipment} by \$1,850.00 and A-1670.40 {Central Printing and Mailing – Contractual} by \$4,150.00. Reduce the following accounts: A-1010.40 {Board of Trustees – Contractual} by \$100.00, A-1210.40 {Mayor–Contractual} by \$400.00, A-1325.40 {Treasurer–Contractual} by \$1,200.00, A-1410.40 {Clerk–Contractual} by \$2,500.00, A-3120.40 {Police–Contractual} by \$1,200.00, A-3410.40 {LFD–Contractual} by \$300.00, A-3620.40 {Code Enforcement–Contractual} by \$300.00, all effective as of June 1, 2023.

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

Trustee Barnes thanked Treasurer Troutman for all the streamlining she is doing with the village budget.

RESOLUTION #135-2023–APPROVE 2022-2023 BUDGET YEAR ENCUMBRANCES

Motion by Trustee Fischer, seconded by Trustee Troche, for the Board of Trustees to approve the following 2022-2023 budget year encumbrances. Buildings: FSC - \$6,947.56 for the Village Hall Fire Alarm Replacement and \$1,008.00 for the Police Evidence Room Camera. Police: Dave Warren - \$35,298.00 for the new 2023 Dodge Ram, \$26,263.00 for the new 2023 Dodge Charger and 10-75 Emergency Vehicles - \$17,539.31 for vehicle equipment transfers. DPW: International Dump Truck - \$225,883.00.

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

RESOLUTION #136-2023–AUTHORIZE TRANSFER OF FUNDS

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L Troutman to allocate \$36,564.54 from the DPW Equipment account into the DPW Equipment Reserve account as of May 31, 2023.

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

RESOLUTION #137-2023–AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Troche, seconded by Trustee Jones, to authorize the Lakewood Police Benevolent Association and Evolution Spin, 5 Fairdale Ave., to use the village streets for a cycling fundraising event to raise money for medical expenses for the police canine dog, Sarge. The event will be August 13, 2023 from 9:00 – 11:00 AM and will be four (4) laps around the village equaling six (6) miles.

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

RESOLUTION #138-2023–APPROVE SEQRA RELATING TO PROPOSED LOCAL LAW #1-2023

Motion by Trustee Barnes, seconded by Trustee Troche, for the Board of Trustees to approve the State Environmental Quality Review Act (SEQRA) and make a Negative Declaration acknowledging that there is no adverse environmental impact caused by this and to designate the Village of Lakewood as Lead Agency in connection with Local Law #1-2023, Volunteer Firefighter and Ambulance Workers Exemption.

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

JUNE 26, 2023 (continued)

ANYONE TO BE HEARD

Mr. Craig Seger, 31 Winchester Rd., said it is such an honor to see Mr. Benjamin Troche sitting at the table as a Village Trustee.

Motion by Mayor Holcomb, seconded by Trustee Troche, and unanimously carried the Board adjourned at 7:21 PM.

Mary B. Currie
Village Clerk