

**June 27, 2022**

The twelfth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, June 27, 2022, 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, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. A work session was held with no action taken.

### **APPROVAL OF MINUTES**

Motion by Trustee Fischer, seconded by Trustee Jones, to approve the minutes of the last regular meeting of the Board of Trustees held June 13, 2022.

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

### **AUDIT OF CLAIMS**

Motion by Trustee Troche, seconded by Trustee Fischer, that the claims as audited by the Auditing Committee of the abstracts dated June 27, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#4 & #4) Trust & Agency Fund: \$ 64,541.20, (checks #6646 thru #6649), General Fund: \$ 249,680.47, (checks #18920 thru #18949), voided check #18933, ACH to M&T Bank.

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

### **REPORTS**

DPW Supervisor Thomas R. Pilling reported all the miscellaneous equipment included in the recent auction conducted through Auctions International was sold generating approximately \$ 23,000.00. He also reported CHIPS funds will be used to seal approximately two miles of village streets by the end of July.

Mr. Pilling asked if there has been any further discussion on the village tree that was removed by a resident on Pine Ave. right-of-way.

Trustee Barnes said there has not been discussion but it is something that needs to be addressed.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had four hundred fifty incidents from June 13, 2022 to June 27, 2022. The reported incidents included one hundred twenty-four business checks, nineteen property checks, eighteen motor vehicle accidents, sixty-five vehicle and traffic violations, eight shoplifting incidents and eighteen warrants applied and/or processed.

Chief DePonceau also reported on Wednesday June 22<sup>nd</sup> there was a burglary that took place on East Lake Street where a hand gun was allegedly stolen by three juveniles. It was subsequently recovered Friday, June 24<sup>th</sup>. Chief DePonceau noted the investigation is ongoing, with charges against the juveniles pending.

Chief DePonceau said on June 21<sup>st</sup> a pick-up truck was stolen from Cummins Engine Plant on Baker St. Ext. which has subsequently has been recovered in North Carolina.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to five hundred eleven alarms year to date with seventy-three of those in the month of June.

Building Inspector Jeff Swanson reported the Chautauqua County tax sale properties have been listed but he now understands some of them have been deleted from the list. Mr. Swanson said he will be looking into the number of properties that remain on the tax sale list and move forward with those.

Mr. Swanson also said New York State is talking about increasing the required annual hours of training for Code Enforcement.

Mayor Holcomb asked how the county operates the county tax sale.

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Mr. Swanson said he isn't sure how they are doing it now. He added, due to the Covid pandemic there hasn't been a tax sale in a couple years.

Mayor Holcomb reported Chautauqua Home Rehabilitation Improvement Corporation (CHRIC) has contacted all Municipalities in hope of their participation with their annual fund raiser, the CHRIC Classic Annual Golf Tournament held Saturday, July 13<sup>th</sup> at the Chautauqua Golf Course. This fund raiser is very important to CHRIC since it helps to fund housing services for the low to moderate income residents in Chautauqua County.

Mayor Holcomb asked Mr. Dave Card, 38 Chautauqua Ave., if he would update the progress of the Farmers Market which is held Thursdays from 10-2 on Chautauqua Ave.

Mr. Card said it is beginning to pick up, a lot of produce will still be a little while before it is ready but the vendors that are there right now seem to be doing pretty well.

Mayor Holcomb also reported Mrs. Sandy Calalesina, 109 Sunset Ave., has agreed to serve on the Short Term Rental Committee (STRC) so the first meeting can now be scheduled.

Trustee Fischer thanked Mikes Nursery, 199 E. Fairmount Ave., for donating all the flowers that have been planted on Chautauqua Ave. and the Lakewood Women's Club for planting them. He said Chautauqua Avenue looks great.

Trustee Troche said July 17<sup>th</sup>, Group Ther-happy, 103 Chautauqua Ave., is holding a Beers for Badges event which will be a fund raiser for the Lakewood-Busti Police Department and the Lakewood Volunteer Fire Company. He then encouraged everyone to check it out.

Mr. Ted McCague reported the Lakewood Community Development Corporation (LCDC) solicitation for the Annual Summerfest has been going very well and the LWRD grant contract was submitted on time so the playground project is moving ahead.

### **DISCUSSION ON OHIO AVENUE PROBLEMS**

Mr. Chase Darling, owner of 31 Ohio Ave. and 33 Pennsylvania Ave. appeared before the Board of Trustees with a petition signed by thirty-one residents of Chautauqua, Ohio and Pennsylvania Aves. Per the petition, the residents agree that the following problems exist in the defined area of 27 & 29 Ohio Ave. The petition reads that at both of those residences have had many disturbances over the past several years and are continuing. Some of the problems that have occurred have consisted of noise violations, domestic violence, burglary, use of illegal narcotics, excessive profanity, dog owners of both residences not cleaning up dog waste in multiple yards, dog attacks, vehicles traveling at high speeds and additional rental units that have not been approved by the Village of Lakewood at 29 Ohio Ave..

Mr. Darling said his family has owned the former church at 31 Ohio Ave. for many years with the hope of restoring the structure and making it into luxury apartments. He said over the years, hundreds of thousands of dollars have been spent to make this dream a reality, in the last few months he has added a new room, restored the chimney and has been getting ready for the final install on the front of the building.

Mr. Darling said in the last eighteen months the church has been burglarized over six times, copper plumbing and electrical lines have been stripped from the building, costing him more than \$25,000.00. He said he has witnessed drug usage and dealings on two separate occasions and the police have been called many times. He said people have told him they won't walk their dogs down the street anymore because of a pit bull dog at 29 Ohio Ave. that is not leashed and runs free. He said one of the neighbor's dog has been bit in the neck by the dog.

Mr. Darling said 29 Ohio Ave. has four mailboxes and electric meters and questions if there are four families living in one house. He is concerned about the potential of a fire which would involve the houses next door and asked if that was something the village approved several years ago.

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Mr. Darling said several neighbors have indicated they are considering selling their houses because of these two properties, some of which have lived on these streets for over twenty years. Mr. Darling said he would like to take the boards off 31 Ohio Ave. but thinks that would only make it easier to gain access inside.

Mr. Darling indicated he would like to see the village install a camera on the street, and said with so many more incidents occurring how you could not justify a camera. He said he would get his own cameras but he is unable to turn the electric on, since he has no wiring.

Mr. Swanson said although there are four meters on the house, it is hard to tell how many units are in there. The meters could be for a refrigerator or a washing machine in the basement. National Grid would have to inspect any new electrical meters and Lakewood does not require a permit.

Mr. Swanson said he cannot gain access to any structure without being invited in. Anything with three units or more we can inspect but we can only inspect the common areas such as hallways. Mr. Swanson says he can only view the property from the public right of way and said these are all re-occurring issues on this street, the owner of the property is very hard to get a hold of.

Trustee Barnes asked Mr. Swanson if he has examined all of the local and state zoning laws that could help get this problem fixed and if he knows where they go from here for help with this matter.

Mr. Swanson said Order of Remedy notices have been sent to a P.O. Box and get returned to us. Once he is ready to issue an appearance ticket, the name of the owner changes and he has to start all over again. These houses are LLC's which makes it much harder because there isn't an actual name on the property. A lot of times with the LLC's, the owner lives out of town and you cannot prosecute across state lines.

Village Attorney John I. LaMancuso, said if it is a New York State LLC., we would have the option to serve them with an Order to Remedy through the Secretary of State. If served that way the owner can then be served with an appearance ticket if the problem isn't fixed by a certain time. However, it is important to find out if it was a four family house, before the zoning code/map was adopted, and if that district was zoned multiple family.

Chief DePonceau said he has a sheet hanging in the Police Department to make sure regular checks are being done on those two properties and said Police Officers do get out of their cars and walk around. He said in the last two years the Police Department has done fifty property checks, there have been three burglaries reported and one hundred fifty-six incidents for the whole street.

Chief DePonceau said cameras could be installed on telephone poles but there will be a cost to have them installed and also to view the footage.

Trustee Troche asked if the Fire Chief could request a fire inspection to be done by the Building Inspector and then be on-site with the Fire Chief the whole time.

Ms. Debra Strong, 18 Lakeview Ave., asked if there is a way to stop this property from being a rental.

Mr. Swanson said the only way to stop it from being a rental would be to re-write the zoning code.

Mayor Holcomb asked Mr. LaMancuso if there is legal action the village can take if we can prove the home is a 4-5 family home.

Mr. LaMancuso said we'd have to do some research on when the zoning in that district was established and when the house became a four family residence.

Trustee Barnes said the Board of Trustees will consult with Village Attorney LaMancuso to see if they can come up with a plan.

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**RESOLUTION #99-2022 – AUTHORIZE FUND TRANSFER**

Motion by Trustee Barnes, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for the Lewis & Lewis invoice, Chautauqua Abstract invoice and property tax bills for the Chautauqua Avenue Park property transfer, \$ 647.77 from T1037.35 {Park Land Deposits – Chautauqua Ave. Park}; \$ 600.00 to A1420.40 {Law – contractual} and \$ 47.77 to A1950.40 {Taxes & Assessments on Municipal Property}.

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

**RESOLUTION #100-2022 – AUTHORIZE BUDGET TRANSFER**

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following budget transfer due to budget shortfalls: \$ 16,362.20 from A1990.40 {Contingent Account}; \$ 6,362.20 to A8160.41 {Refuse Annual Junk Pickup} and \$ 10,000.00 to A8510.43 {Community Beautification – Lake/Shore Management}.

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

**RESOLUTION #101-2022 – APPROVE CONTINUED MEMBERSHIP WITH CHAUTAUQUA LAKE AND WATERSHED MANAGEMENT ALLIANCE**

Motion by Trustee Troche, seconded by Trustee Fischer, 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 covering July 1, 2022 – June 30, 2023.

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

**RESOLUTION #102-2022 – AUTHORIZE ATTENDANCE TO NYCOM’S FALL TRAINING SCHOOL**

Motion by Trustee Barnes, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman and Deputy Clerk/Treasurer Julie C. Toennis to attend NYCOM’S Annual Fall Training School to be held in Saratoga Springs, N.Y., September 12<sup>th</sup>-16<sup>th</sup>. Mrs. Troutman and Ms. Toennis will be reimbursed for any and all authorized expenses incurred.

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

**RESOLUTION #103-2022 – CLOSE BEACH AT RICHARD O. HARTLEY PARK**

Motion by Trustee Troche, seconded by Trustee Fischer, for the Board of Trustees to close the Lakewood Beach at Richard O. Hartley Park to the public for the 2022 summer season. The beach will be closed due to no available lifeguards and “No Swimming” signs will be posted.

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

Trustee Barnes said the Board of Trustees needs to have discussion on other ways the beach at Richard O. Hartley Park can be used and suggested an attendant on sight so people could use the beach area and bathrooms.

Trustee Jones said she likes the idea of the beach house being open for a few hours every day and said an attendant would be able to police the area and people visiting the playground would be able to use the bathrooms.

Trustee Jones also said she spoke with the Village Clerk in Mayville about the possibility of working in concert with them as far as setting up training with lifeguards so Mayville and Lakewood beaches could open next year.

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**RESOLUTION #104-2022 – ACCEPT LOWEST RFP FOR GRANT ADMINISTRATION SERVICES**

Motion by Trustee Barnes, seconded by Trustee Troche, for the Village of Lakewood to accept the low proposal as submitted by Heritage Resources, LLC, Buffalo, N.Y., to provide grant administration services in connection with the Village's Local Waterfront Revitalization Project (LWRP) at Richard O. Hartley Park. The Grant Administration budget will be \$25,000.00 and Heritage Resources, LLC, will provide services to stay within that amount.

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

**ANYONE TO BE HEARD**

Mr. Kennie Campbell, 117 Lakeview Ave., asked Chief DePonceau if the Lakewood- Busti Police have any idea who has been going around the village smashing windows.

Chief DePonceau said they don't have any suspects yet but there is a new group of kids that have just recently moved into the village. He said the L-BPD is keeping a close eye on the situation.

Motion by Trustee Barnes, seconded by Trustee Troche, to recess the regular meeting at 7:38 PM, so as to enter into executive session.

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, Fire Chief Kurt Hallberg, Village Attorney John I. LaMancuso, Village Clerk Mary B. Currie and Village Treasurer Apryl L. Troutman.

**EXECUTIVE SESSION (Adjournment)**

Motion by Trustee Troche, seconded by Trustee Fischer and unanimously carried to adjourn the executive session and re-open the regular meeting of the Board of Trustees at 8:15 PM.

**RESOLUTION #105-2022 ACCEPT RECOMMENDATIONS ON EMS BILLING**

Motion by Trustee Troche, seconded by Mayor Holcomb, for the Board of Trustees to accept the recommendation from the Lakewood Volunteer Fire Company to explore a contract with Chautauqua County in regards to Emergency Medical Services (EMS) billing.

Adopted: 5 ayes, no nays (Holcomb, Barnes, Fischer, Jones, Troche)

A special meeting, in regards to Emergency Medical Services billing, was scheduled for 7:00 PM., Thursday, July 7, 2022 at the Anthony C. Caprino Municipal Building, 20 W. Summit St., Lakewood, NY.

Trustee Barnes said she is not against looking into a contract with Chautauqua County but thinks the village needs to explore all the options.

Fire Chief Kurt Hallberg thanked the Board of Trustees for taking the next step in the EMS billing process.

Motion by Trustee Troche, seconded by Trustee Jones and unanimously carried the board adjourned at 8:22 PM.

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Mary B. Currie  
Village Clerk