

JULY 10, 2023

The thirteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, July 10, 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 Barnes, seconded by Trustee Jones, to approve the minutes of the last regular meeting of the Board of Trustees held July 10, 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 July 10, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#6 & #6) Trust & Agency Fund: \$ 77,762.51, (checks #7583 thru #7622), General Fund: \$ 42,283.43 (checks #19891 thru #19930).

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

REPORTS

DPW Supervisor Thomas Pilling reported that Suit-Kote, 57 Lister St., Jamestown, paved W. Terrace Ave. July 5th and although the residents in that area were not happy with the project, it went very well. He also said in a couple weeks Midland Asphalt Materials Inc., Tonawanda, NY will begin to stone and oil approximately 2 miles of village roads.

Mr. Pilling also reported he recently had approximately fifteen (15) trees that were in bad condition removed throughout the village.

Mr. Pilling inquired as to where the Board of Trustees are with the updates to the Village of Lakewood Employee Personnel Policy & Procedures.

Trustee Troche said he and Trustee Fischer have been reviewing and making some changes to some of the general policies and also working on the Vehicle Use policy. He said they have scheduled a meeting at 4:30 pm, Wednesday, July 12th and indicated all department heads are invited to attend. He said everyone will have a chance to review the changes before their final version is submitted to the Village Attorney and the Board of Trustees for their review and comment.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had three hundred eighty-nine incidents from June 26, 2023 to July 10, 2023 which included seventy-eight business checks, seven check well beings, five disorderly people, six larceny complaints, thirteen motor vehicle accidents, twenty-two property checks, twelve shoplifting incidents, fourteen vehicle complaints, twenty-one warrants that were served and/or entered into the system and the speed trailer has been moved six times. He added the L-BPD has handled four thousand eight hundred seventy incidents year to date.

Trustee Barnes asked Chief DePonceau how the manhunt for Warren County Jail escapee, Michael Burham, was going.

Chief DePonceau said there have been many calls to the New York State Police and the Chautauqua County Sheriff's Department with tips. Every department is busy following up on those tips and checking any leads. He said everyone is doing a great job but he still has not been spotted.

July 10, 2023 (continued)

Mr. Dave Card, 38 Chautauqua Ave., said the Live on the Lake concert series begins this Thursday and asked Chief DePonceau if he would have a police patrol car patrolling the area during the concerts.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to five hundred forty-one alarms year to date. He said the LFD is averaging four to five calls a day and indicated they are close in total alarm numbers to where they were last year at this time.

Trustee Jones reported the Lakewood beach has been a big success since it opened and said last week three hundred thirty-one people used it.

RESOLUTION #139-2023 – DISTRIBUTION OF BUDGETED MONEY TO LAKE MANAGEMENT ASSOCIATIONS

Motion by Trustee Jones, seconded by Trustee Barnes, for the village to distribute budgeted money for Lake Management Association fees as such: \$ 2,000.00 to the Chautauqua Lake Association, \$ 2,000.00 to the Chautauqua Lake Partnership and \$ 1,000.00 to the Chautauqua Watershed Conservancy.

Adopted: 3 ayes, (Barnes, Jones, Troche) 1 nay (Fischer)

RESOLUTION #140-2023 – APPROVE CHRISTOPHER A. DEPONCEAU TO CONTINUE AS PROVISIONAL CHIEF OF POLICE

Motion by Trustee Barnes, second by Trustee Troche, to approve Christopher A. DePonceau to continue as provisional Chief of Police for the Lakewood-Busti Police Department.

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

Trustee Troche added, Chief DePonceau has been doing a great job and he looks forward to continue working with him.

RESOLUTION #141-2023 – AUTHORIZE APPLYING FOR THE FAIRMOUNT AVE. CONSTRUCTION WETLAND PROJECT WQIP GRANT

Motion by Trustee Troche, seconded by Trustee Jones, to authorize the Chautauqua Lake & Watershed Management Alliance, Inc. to apply for a New York State Department of Environmental Conservation Water Quality Improvement Program Grant for the Fairmount Avenue Constructed Wetland Project,

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County and the municipalities that border it including the Village of Lakewood, but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the Village of Lakewood (Village), the Chautauqua Lake and Watershed Management Alliance (Alliance), and the Chautauqua Watershed Conservancy (CWC) are partnering to complete a stormwater management project consisting of a constructed shallow wetland pond system within the Village that will have a positive impact on the environmental health of Chautauqua Lake and runoff conditions in the Village; and

WHEREAS, the 2023 Consolidated Funding Application includes New York State (NYS) Department of Environmental Conservation (DEC) Water Quality Improvement Program (WQIP) grant opportunities for water quality projects that require local matching funds as cash and/or in-kind service in the amount of at least 25% of the grant amount; and

WHEREAS, the total eligible project costs have been identified at \$306,095 resulting in WQIP requested funding of \$244,876, and local match needs of \$61,219; and

WHEREAS, costs associated with environmental regulatory approvals/permitting are ineligible as part of the NYS WQIP program but may be necessary for the completion of the project and have been estimated to be approximately \$2,000 and are not included in the project sums listed above; and

WHEREAS, the necessary local match and environmental regulatory permitting costs have been secured or are expected to be secured in time for the grant submission via a pending County Occupancy Tax Grant Program Award and additional cash match from the Alliance; therefore be it

July 10, 2023 (continued)

RESOLVED, that the Village of Lakewood authorizes a grant submission to the WQIP grant program for the Fairmount Avenue Constructed Wetland Project, and if the grant is successful, that the Mayor is authorized to execute the State Assistance Contract, submit project documentation, and act in all matters related to Project and state funding assistance.

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

**RESOLUTION #142-2023 – SEQR DETERMINATION FOR THE FAIRMOUNT AVE.
CONSTRUCTION WETLAND PROJECT**

Motion by Trustee Fischer, seconded by Trustee Jones, for the Board of Trustees to approve the SEQR determination for the Fairmount Ave. Construction Wetland Project;

WHEREAS, as a condition of receiving funding through the New York State Department of Environmental Conservation (NYS DEC) Water Quality Improvement Project (WQIP) grant program, the Village of Lakewood shall evaluate and declare its findings or determinations regarding the proposed Fairmount Avenue Constructed Wetland Project under the New York State Environmental Quality Review (SEQR) Act; and

WHEREAS, the proposed project has been reviewed consistent with SEQRA and applicable state regulations and has been identified as an Unlisted Action under 6 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law (ECL); and

WHEREAS, the Village has caused the preparation of a Short Environmental Assessment Form (SEAF) for the project; and

WHEREAS, the Village has reviewed and analyzed the SEAF and considered any relevant areas of environmental concern and probable environmental impacts of the project to determine if the project may have any significant adverse environmental effects; therefore, be it

RESOLVED that the Village Board of the Village of Lakewood, in the County of Chautauqua, hereby finds and determines that the proposed Fairmount Avenue Constructed Wetland Project, will not have a significant adverse environmental impact in accordance with the State Environmental Quality Review (SEQR) Act, Article 8 of New York State Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, is issuing a negative declaration.

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

Mr. Randall Perry, Executive Director, Chautauqua Lake & Watershed Management Alliance said the Fairmount Avenue Constructed Wetland Project is one that has been in the works with the village in partnership with the CWC, the Alliance and Mr. Andrew Johnson, EcoStrategies, Falconer, for a number of years.

Mr. Perry said this is a triangular shaped parcel owned by the village where the railroad intersects at W. Fairmont Ave. He said this is a relatively compact parcel and many years ago was constructed as a stormwater basin, flowing the water from one culvert to another and has now become largely non-functional.

Mr. Perry said this proposed project is to construct a wetland system of shallow pools and vegetated flow paths, basically to extend the flow path instead of going culvert to culvert. He said it would extend the flow path significantly and also allow for short term detention of stormwater during high flow events.

Mr. Perry said in addition to giving aesthetic upgrades, wildlife upgrades with vegetation and just rehabilitating the site, is a recommended approach from an engineering feasibility study, done by Andrew Johnson, P.E., of EcoStrategies, Falconer, NY.

Mr. Perry said Mr. Johnson looked at several alternatives for the site and this green infrastructure alternative is the one he recommended by seeking a green infrastructure solution. This project will make the village eligible for state funding through the WQIP grant program by the Department of Environmental Conservation using environmental protection funds.

July 10, 2023 (continued)

Mr. Perry said with these resolutions the Alliance will be able to take the next steps allowing the village to seek grant funding and submit the application by the end of July. He said at this point, there is no commitment, but if a grant is awarded, the match that is projected could be through a County Occupancy Tax grant and a match through the Alliance Foundation Partnership and could secure the state money.

Mr. Perry said this project will be a separate drainage course than the Brook Street project even though they are both in the same general area and very close to one another.

RESOLUTION #143-2023 – AUTHORIZE FUND TRANSFER

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for additional 4th of July trash disposal expenses: \$ 63.64 from T1093-40 {July 4th Celebration} to A7550.40 {Celebrations – 4th/Summerfest}.

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

ANYONE TO BE HEARD

Mr. Raymond Ayers, 124 E. Terrace Ave., said for the last 6 months he has inquired about the numerous junk and unlicensed, unregistered automobiles that keep showing up throughout the village. He asked why is there nothing that can be done about it and where does the village stand. He said if this continues the village will look like one big junkyard.

Mr. Ayers said there are also properties with a variety of junk on them that never seems to get cleaned up.

Trustee Barnes said the Code Enforcement Officer sites the property owners, then it goes to the courts. She said it is her understanding the courts are pretty lenient when it comes to code violations and there also has been talk about the need for a code enforcement court.

Mayor Holcomb recessed the regular meeting at 6:52 PM, so as to enter into executive session to discuss a personnel matter.

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

EXECUTIVE SESSION

Reported by Village Treasurer Apryl L. Troutman, 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 Treasurer Apryl L. Troutman and Village Attorney John I. LaMancuso.

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Jones and unanimously carried to adjourn the executive session and the regular meeting of the Board of Trustees at 8:09 PM.

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

Mary B. Currie
Village Clerk