

July 25, 2022

The fourteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, July 25, 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 Troche, seconded by Trustee Jones, to approve the minutes of the special meeting of the Board of Trustees held July 7, 2022.

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

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees held July 11, 2022.

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

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Jones, that the claims as audited by the Auditing Committee of the abstracts dated July 25, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#8 & #8) Trust & Agency Fund: \$ 65,795.98 (checks #6721 and #6722), General Fund: \$ 86,114.84 (checks #18987 thru #19028).

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

REPORTS

DPW Supervisor Thomas R. Pilling reported that Tuesday and Wednesday of this week the streets crew will be working with the Towns of Busti, Kiantone and Harmony resurfacing roads with oil and stone in their townships, while on Thursday and Friday, crews from their townships will be assisting the Lakewood DPW in resurfacing a few village streets with oil and stone.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had three hundred fifty-five incidents from July 11, 2022 to July 25, 2022. They included ninety-four business checks, nine check the well beings, twenty-six property checks, twenty-five vehicle and traffic violations, six shoplifting incidents and nineteen warrants either entered or served.

Chief DePonceau said due to the recent criminal mischief complaints, the L-BPD has stepped up the patrol and there hasn't been a complaint in connection with any criminal mischief issues since July 12th.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to six hundred ten alarms year to date, one hundred of those being in the month of July. Chief Hallberg said last year at this time they had five hundred sixteen, so the LFD is currently ninety-four alarms ahead of last year's number of alarms.

Chief Hallberg thanked Ms. Michelle Turner and the staff at group Ther-Happy for everything they did to make the Beers for Badges fund raising event held on July 17th a success. He said although there was some rain he thought everything went well.

Village Treasurer Apryl L. Troutman reported she has been actively working on filing the 2021-2022 Annual Financial Report with New York State OSC. She said she just has some notes to review and update then should be ready to submit the document by the end of the week. Ms. Troutman said once it has been filed she will distribute copies to the Mayor and members of the Board of Trustees plus there will be one on file with the Village Clerk.

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Ms. Troutman also reported the village has received the second and final installment of the APRA funds in the amount of \$143,435.46 and indicated these funds were included in the current budget for the purchase of new DPW equipment.

Mayor Holcomb asked Ms. Troutman if she could look into any available funds/grants to help pay for the Hemlock tree problem within the village.

Trustee Fischer said he heard ARPA may be giving out some more money to small communities and asked Ms. Troutman if she would mind also looking into that.

Trustee Fischer asked if Lakewood would be responsible for treating only the village owned trees and not private property owned trees. Mr. LaMancuso said it would make sense to do the village owned trees but if there is a grant allowing to do private property trees that would be ok.

Trustee Troche said he has had a conversation with Mr. Ron Johnson, Forecon, Inc., Jamestown, NY, in regards to the Hemlock infestation problem. Mr. Johnson told him it is very expensive for residents to treat the trees, it is something that has to be done annually. Trustee Troche said he will speak with one of Forecon's experts on this matter and see if they know of any programs that could help with the cost of treating the trees.

Building Inspector Jeff Swanson reported the property maintenance complaints are continuing to come in and have been keeping him very busy. He said he has also been doing a lot of building inspections and reported that 34 Sunset Ave. is approximately 85% done.

Mayor Holcomb reported he met with Dr. Rocky Siegel to discuss plans for the proposed Parklet on Chautauqua Ave. Dr. Siegel indicated he will be funding some of the money and he will also look into finding a grant to help as well. He said the first phase of the project should be less than \$5,000.00 and the Siegel's have already donated that much. Dr. Siegel said his sister will be in town in August and they would like to have a planning session to discuss finalizing a budget for the Parklet.

Mayor Holcomb also reported he met with Ms. Karen Scholeno, 225 Spruce St., who said she is having a terrible time with GIS routing Semi Trucks up Spruce Street. She said the night before a Semi Truck got stuck in her yard and was there for hours.

Mayor Holcomb asked DPW Supervisor Pilling if he would purchase some signs saying "No Trucks" and put them up at the bottom of Spruce Street.

Mayor Holcomb announced the Short Term Rental committee will be having their first meeting on Wednesday this week.

Trustee Barnes said Mr. Jon Steinmetz will be submitting a Request for Proposal (RFP) sometime this week and has plans to meet with the Short Term Rental committee several times. She said he also indicated the process could take up to four to six months before it is finished.

Trustee Jones reported she has had conversations with Ms. Maureen Donahue, Southwestern Central School, and Jason and Maria from the Jamestown YMCA in regards to the problem of no available lifeguards. She said she is scheduled to meet with each of them about how to help get people trained for lifeguards.

Trustee Fischer said the owner of The Watch Shop recently told him employees of businesses on Chautauqua Ave. have been parking in front of his store and leaving their cars there for the whole day.

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RESOLUTION #109-2022 – APPROVE HIRING PART TIME POLICE OFFICER

Motion by Trustee Troche, seconded by Trustee Fischer, to approve the hiring of Ms. Lauren Nickerson, Jamestown, NY, as a part-time Police Officer for the Lakewood-Busti Police Department. Per the recommendation of Chief DePonceau, Officer Nickerson's date of hire will be July 27, 2022 and she will be compensated at the rate of \$ 18.00/hr.

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

Trustee Barnes asked Chief DePonceau if he knows for sure that position will be opening soon.

Chief DePonceau said all indications are pointing to that position opening up very soon.

RESOLUTION #110-2022 – AUTHORIZE FUND TRANSFER FOR BEERS FOR BADGES

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer and issue payments for the donations received from the Beers for Badges event recently held at Group Ther-happy: \$3,303.50 from A102705.00 {Gifts and Donations} to T1093.37 {Police-K9 Dog Unit}. Issue payment to Lakewood Police Benevolent in the amount of \$708.05 from A102705.00 {Gifts and Donations} and issue payment to the Lakewood Fire Company in the amount of \$4,011.55 {Gifts and Donations}.

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

Trustee Barnes wished to thank Trustee Ben Troche, Deputy Clerk Julie Toennis and Ms. Michelle Turner, owner of Group Ther-happy, for all the hard work they did in putting this event together. She said it appeared to be a great success.

Trustee Ben Troche said it was nice to see Deputy Clerk Julie Toennis, Village Clerk Mary Currie, L-BPD Chief DePonceau, LFD Chief Hallberg, Investigator Jarrett Reed and a lot of other village staff at the event. He also had a special thanks to Michelle Turner for everything she did in organizing the event.

RESOLUTION #111-2022 – AUTHORIZE FUND TRANSFER FOR FARMERS MARKET

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay the Jamestown Gazette for the Farmers Market advertising: \$85.00 from T1093.15 {Farmers Market Fund} to A7550.42 {Culture/Recreation – Advertising}.

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

RESOLUTION #112-2022 – AUTHORIZE FUND TRANSFER FOR SUMMERFEST

Motion by Trustee Troche, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay Summerfest expenses: \$694.93 from T1093.40 {July 4th Celebration}; \$ 440.00 to A7140.40 {Playground–Contractual}, for the Frantz & Russell Invoice #12366 and \$254.93 to A1410.10 {Clerk–Salaries} for extra/overtime hours worked by Deputy Clerk Julie Toennis.

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

RESOLUTION #113-2022 – AUTHORIZE THE CREATION OF ACCOUNTS FOR RICHARD O. HARTLEY PARK IMPROVEMENTS

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to create the following accounts: A103897.00, State Aid, Culture and Recreation-Capital Projects {State Aid, ROH Park Improvements Grant} and A7997.00, Culture and Recreation, Equipment and Capital Outlay {ROH Park Improvements}.

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

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RESOLUTION #114-2022 – AUTHORIZE BUDGET MODIFICATIONS

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make the following budget modification for the Hartley Park Playground Project LWRP grant: Add \$456,200.00 budget for revenue account A103897.00 {State Aid, ROH Park Improvements Grant} and add \$456,200.00 budget for expenditure account A7997.00 {ROH Park Improvements}.

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

Mr. Randall Perry, Chautauqua Lake and Watershed Management Alliance, said the New York State DEC is offering engineering planning grants. He said this is an opportunity to take a detailed look at the flooding issues in the vicinity of the Mall Boulevard corridor. So looking at the issues themselves, but also looking upstream at some of the contributing areas in the watershed. He said if successful, the Village of Lakewood would receive funding to hire a professional engineer to assess the situation, identify the problems, make recommendations and issue a feasibility assessment of different improvement projects that could help to alleviate the flooding and associated erosion issues in that area.

Mr. Perry said he has been in contact with the key property owners. Unfortunately to date the Mall itself has not issued a positive response in terms of accessing their property and performing engineering assessment on their property. He said that wasn't what they expected because a lot of the issues are manifesting themselves on the Mall property from above or upstream. Mr. Perry said he talked to the engineer that helped to develop the cost estimate in the scope, and they indicated they agree there's still value in assessing the surrounding area to give the village a better perspective of the issues at play. He said they have received positive commitments from two of the upstream landowners allowing the engineer to access their land and assess the system. Mr. Perry said the Mall is a key part in this but there are also a number of businesses along the boulevard who could be positively impacted by looking into this.

Mr. Perry also said with the potential development of the former Sunset Golf Course, which could lead to a land use change, it would be proactive to have a better handle on the stormwater drainage issues prior to making any important decisions on potential future developments.

RESOLUTION #115-2022 – AUTHORIZE APPLICATION FOR A NYS DEC GRANT FOR MALL BLVD. COMMERCIAL CORRIDOR STORMWATER ENGINEERING STUDY

Motion by Trustee Troche, seconded by Trustee Jones, to authorize the Village of Lakewood, in partnership with the Chautauqua Lake and Watershed Management Alliance to apply for New York State Department of Environmental Conservation Non-Agricultural Nonpoint Source Planning Grant for the Village of Lakewood Mall Boulevard Commercial Corridor Stormwater Engineering Study

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) and the Chautauqua Lake and Watershed Management Alliance (Alliance) are partnering to complete an engineering assessment of flooding and erosion issues in the vicinity of the Mall Boulevard Commercial Corridor that is expected to lead to future improvement projects that will have a positive impact on the economic and environmental health of the Village and Chautauqua Lake; and

WHEREAS, the 2022 Consolidated Funding Application includes New York State (NYS) Department of Environmental Conservation (DEC) Non-Agricultural Nonpoint Source Planning Grant (NPG) program grant opportunities for water quality projects that require local matching funds as cash and/or in-kind service in the amount of at least 10% of the grant amount; and

WHEREAS, the total eligible project costs have been identified at \$33,000 resulting in planned NPG requested funding of \$30,000, and planned local match in the form of cash of \$3,000; and

WHEREAS, the Alliance is expected to commit \$1,500 in cash towards the required local match pending approval of its Board of Directors; therefore be it

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RESOLVED, that the Village of Lakewood will act as the primary grant applicant and authorizes a grant submission to the NPG grant program for the Village of Lakewood Mall Boulevard Commercial Corridor Stormwater Engineering Study and if awarded, commits to providing \$1,500 cash toward the required local match, 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

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

RESOLUTION #116-2022 – APPROVE SEQRA RELATING TO THE MALL BOULEVARD COMMERCIAL CORRIDOR STORMWATER ENGINEERING STUDY

Motion by Trustee Fischer, seconded by Trustee Jones, to approve the SEQRA determination for the Mall Boulevard Commercial Corridor Stormwater Engineering study,

WHEREAS, as a condition of receiving funding through the New York State Department of Environmental Conservation (NYS DEC) Non-Agricultural Nonpoint Source Planning Grant (NPG) program, the Village of Lakewood shall evaluate and declare its findings or determinations regarding the proposed Mall Boulevard Commercial Corridor Stormwater Engineering Study under the New York State Environmental Quality Review (SEQR) Act; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review (SEQR) Act provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; therefore, be it

RESOLVED that the Village Board of the Village of Lakewood, in the County of Chautauqua, hereby determines that the proposed Village of Lakewood Mall Boulevard Commercial Corridor Stormwater Engineering Study, which constitutes the assessment by an engineer of flooding and erosion issues in the vicinity of the Mall Boulevard Commercial Corridor but does not commit the Village to undertake, fund, or approve any particular action that may constitute a Type I or Unlisted action, is a Type II action in accordance with 6 NYCRR Section 617.5(c)(24) and is therefore not subject to review under 6 NYCRR Part 617.

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

RESOLUTION #117-2022 – APPROVE LAKEWOOD FIRE DEPARTMENT MEMBER

Motion by Trustee Troche, seconded by Trustee Fischer, that the Board of Trustees, acting as the Board of Fire Commissioners, approve Mr. Hanny Qadri, 17 Westwood Drive, Jamestown, as a new member of the Lakewood Volunteer Fire Department.

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

RESOLUTION #118-2022 – DISTRIBUTION OF BUDGETED MONEY TO LAKE MANAGEMENT ASSOCIATIONS

Motion by Trustee Barnes, seconded by Trustee Jones, for the village to distribute budgeted money for Lake Management Association fees as such: \$ 3,000.00 to the Chautauqua Lake Association, \$ 1,000.00 to the Chautauqua Watershed Conservancy and \$ 1,000.00 to the Chautauqua Lake Partnership.

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

Trustee Fischer said he would prefer to keep it the way it has been in the past where the Chautauqua Lake Association receives \$3,500.00 and the Chautauqua Lake Partnership receives \$ 500.00.

ANYONE TO BE HEARD

Mrs. Nancy Anderson, 8 Crescent Ave., thanked Mr. Pilling and his crew for mowing along the west bank of Crescent Creek this past week. She said over the years there have been some concerns regarding Crescent Creek and are thankful for the many things that have been done.

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Mrs. Anderson said the first phase was shoring up the east side of the creek and said that was very successful. Phase 2 was across Summit St., which was trying to alleviate some of the water that comes into the creek, this also seems to be working well. She said the problem now is the trees that along the west side of the creek, from E. Summit St. to E. Terrace Ave. are aging. She said she realizes there needs to be trees there, otherwise we might not have a road. Mrs. Anderson suggested looking into a grant that might include removing the trees that are no longer viable and replanting new ones.

Mr. Willard Anderson, 8 Crescent Ave., said there are several trees along the creek that are dead and branches are always falling into the street. He said he thinks it is time for some of the trees to be removed.

Mayor Holcomb said that he did hear back from the DOT and they plan to check out the trees in question.

Mr. Pilling said he will take a look at the trees to see if they are on the Village Right of Way.

Motion by Trustee Barnes, seconded by Trustee Troche, to recess the regular meeting at 7:20 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, DPW Supervisor Thomas R. Pilling, Village Attorney John I. LaMancuso, Village Clerk Mary B. Currie and Village Treasurer Apryl L. Troutman.

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Fischer and unanimously carried to adjourn the executive session and re-open the regular meeting of the Board of Trustees at 7:57 PM.

RESOLUTION #119-2022 – SET SPECIAL MEETING

Motion by Trustee Troche, seconded by Trustee Fischer, to set 8:30 AM, August 1, 2022 as the time and date to schedule a Special Meeting of the Board of Trustees to discuss billing for Emergency Medical Services, pending the availability of the board.

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

Motion by Trustee Barnes, seconded by Trustee Fischer and unanimously carried the Board adjourned at 8:02 PM.

Mary B. Currie
Village Clerk