

AUGUST 14, 2023

The fourteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, August 14, 2023, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes, R. Richard Fischer and Nancy W. Jones. Also present were Village Clerk Mary B. Currie, Police Chief Christopher A. DePonceau, Village Attorney John I. LaMancuso, DPW Supervisor Thomas R. Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. Absent were Trustee Benjamin J. Troche and Village Treasurer Apyrl L. Troutman. A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Jones, seconded by Trustee Fischer, to approve the minutes of the last regular meeting of the Board of Trustees held July 10, 2023.

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

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 31, 2023 and August 14, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstract (#8) Trust & Agency Fund: \$ 68,947.73, (checks #7623 thru #7664), voided check #7665, replacement check used for direct deposit error. Abstracts (#10 & #10) Trust & Agency Fund: \$ 78,954.44, (checks #7666 thru #7710), General Fund: \$ 168,296.53 (checks #19931 thru #19972). Abstracts (#12 & #12) Trust & Agency Fund: \$ 68,160.24, (checks #7711 thru #7751), General Fund: \$ 112,454.09 (checks #19973 thru #20020), voided check #20000, ACH to M&T.

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

ANYONE TO BE HEARD

Ms. Michelle Turner, owner of Group Ther-Happy, 103 Chautauqua Ave., said Trustee Fischer hand delivered her a copy of the Village of Lakewood Noise Ordinance rules and regulations and said in her opinion they could be modified a little bit. She said every year she does what the village asks her to do, she submits a Special Music permit application with a schedule of the dates and the performers she will be having. She also said she only has the music on Sundays, in the summer, from 5:00 – 8:00 pm. She said the ordinance reads that music should not be heard any further than 50 ft. from the property line and said it would be pretty hard to have live outdoor music and not have it be heard more than 50 ft. away. She said while the music was playing the other night she stood in Sales Alley and the music was muffled, she couldn't really hear it.

Ms. Turner said the village permits music at the Lakewood Beach, the Chautauqua Lake Yacht Club and the Lakewood Rod and Gun Club, every one of those places are surrounded by residents and said her place isn't any different. She said she realizes the music she had this past Sunday got a little loud, as soon as the performer was asked to turn it down, he did.

Ms. Turner said she feels like she is being singled out, there are only a few people that make complaints so it seems far more people like the music. She said her restaurant brings a lot to this community and she does the best she can to be a good neighbor and will continue to do so.

Trustee Fischer said he has been told people leave the restaurant because the music is so loud they can't hold a conversation. He also said Section 25-55 of the Village Zoning Code says performances at a public place where the permit is obtained by the village are permitted.

Trustee Barnes said she has driven past Group Ther-Happy on three different occasions while music is playing, put her windows down and could not hear music on the west side of Chautauqua Ave. She said she has received a couple calls at home saying the music was too loud.

AUGUST 14, 2023 (continued)

Mr. John Rowan, 86 E. Terrace Ave. said how do you determine what is too loud. He said at his house he can hear the music from the beach but never hears the music from Group Ther-Happy. He said how is that fair that people who live near the beach can put up with it but people who live near the restaurant can't.

Mr. Rowan said when Group Ther-Happy is open there are cars parked all along the streets, when they are closed every parking spot is empty, isn't that what you want.

Mr. Tom Turner said there are only 3 people complaining, that means there are over a thousand enjoying the music and businesses, you should be supporting a healthy business district. He said he likes the music whether it is at the park or at Group Ther-Happy.

Trustee Barnes said the village plans on redoing the whole zoning code.

Mr. Ted McCague, Historic Preservation Steering Committee, explained the letter of agreement the Board of Trustees received from Clinton Brown Company Architecture, Buffalo, NY, for proposed services on the architectural assessment work, structural engineering inspection and the hazardous material inspections. He said these services will go along with the architectural work that needs to be done for the pre-construction of the exterior of the Anthony C. Caprino Municipal Building.

Mr. McCague said he is hopeful the Board of Trustees will authorize Mayor Holcomb to execute the agreement this evening and said there is a little bit of a timing thing involved because this work will probably go into the first quarter of this coming year. He said if this gets done, it could be put into a CFA grant application in 2024, so it would be important to get it done tonight.

Trustee Barnes asked if this is an extension of a current agreement or an entirely new agreement.

Mr. McCague said it is a new agreement, the scope of the work has been changed adding structural engineering, hazmat and a couple extra things. He indicated there is not a deadline on executing the agreement.

Trustee Barnes said Village Attorney LaMancuso will have to take a look at it.

Mayor Holcomb asked if the grant is covering this.

Mr. McCague said the proposal for the services is \$ 25,000.00, there is currently \$ 14,300.00 in the budget so there is a difference of \$10,700.00 that will not be covered by a grant.

Mayor Holcomb thanked Mr. McCague and said the board will be discussing this proposal.

Ms. Pamela Buziak, 317 Hazzard St., Jamestown, appeared before the Board of Trustees to let them know she had been bit by a dog while visiting the Lakewood dog park and had to have 5 stitches. She said the dog is a very aggressive dog and asked if the dog will be banned from using the park permanently.

Trustee Barnes said we need to follow the new rules and that should come from the Board of Trustees. The board will need to make a decision, vote on it and then have the village clerk send a letter.

Attorney LaMancuso said we should have the rules in front of us when we do it.

Trustee Jones said the rules say no aggressive dogs allowed and feels the dog should be banned from the park for life.

Trustee Barnes said we need to go through the proper procedures by notifying the owner and if the owner does not comply there will be a trespass charge. She told Ms. Buziak she will be notified when the letter goes out.

AUGUST 14, 2023 (continued)

REPORTS

DPW Supervisor Thomas Pilling reported that at the end of this month Grandview Ave. will be milled and paved and his crew has begun sidewalk work on Marvin Ave.

Mr. Pilling also said he has advertised Request for Bids for concrete work and depending on the cost, he plans to begin work on East Terrace Ave. this year and finish it next year.

Mr. Pilling inquired once again about the status of the updated Personnel Policies & Procedures.

Trustee Fischer said it is all put together and ready to go.

Trustee Fischer asked Mr. Pilling if he could put some "BUMP" signs up at the intersection of Chautauqua and Summit Aves.

Mr. Tom Marlinski, 36 Ohio Ave. said he thinks the flowers on all the corners of Chautauqua Ave. look great.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had eight hundred two incidents from July 10, 2023 to August 14, 2023 which included twenty-three alarms, one hundred fifty-nine business checks, twenty-nine check well beings, eleven disorderly people, seven domestic disputes, fifteen larceny complaints, twenty-two motor vehicle accidents, fifty-two property checks, eighteen shoplifting incidents, fifteen peace officer requests, seventeen suspicious situations, thirteen suspicious people, one hundred twenty-three motor vehicle stops and thirty-eight warrants that were served and/or entered into the system. He added the L-BPD has handled five thousand six hundred fifty-three incidents year to date.

Chief DePonceau said on Tuesday he and Sgt. Casselman will travel to Shallow Creek Kennels in Sharpsville, PA to pick up a new dog for the L-BPD K-9 Unit and indicated there will be no charge for the new dog.

Chief DePonceau reported that as of August 9th his officers went to 12 hour shifts due to the lack of part time officers and being able to cover shifts. He said so far it has been going well.

Chief DePonceau also said he has received one of his new patrol cars and expects another one to be delivered soon.

Chief DePonceau reported that there have been a couple of fund raisers put on by local businesses with the proceeds to go to the K-9 fund. He said one fundraiser was a hydration awareness day sponsored by Cummins Engine and they donated one thousand one hundred fifty-seven dollars. The other was the cycling event Evolution Spin scheduled for this past weekend and said they had a nice turnout and the proceeds also went to the K-9 fund.

Chief DePonceau thanked members of the L-BPD and the LFD for all their help during this event.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to six hundred fifty-seven alarms year to date and said the fire department was also a part of the event at Cummins Engine and received a donation.

Chief Hallberg said the fire department has responded to several motor vehicle accidents and also a fire at the Wellman Rd. trailer court where they saved four kittens.

Chief Hallberg wished to thank the Board of Trustees for all the support they give the fire department and keep them updated with all the equipment they need and not consider it a waste of funds.

AUGUST 14, 2023 (continued)

Building Inspector Jeff Swanson said he has issued the demolition permit for the proposed Blue Buffalo Car Wash at 373 E. Fairmount. Ave. He said the company is waiting for a letter from the NYS DOT allowing them to close the entrance to the property on E. Fairmount Ave., then they will begin the demolition.

Mr. Swanson asked the Board of Trustees if they have put any thought into one of the businesses on Chautauqua Ave. placing a vending machine in front of their business. He said there is nothing in the zoning code about vending machines so in his opinion they are not permitted.

Trustee Barnes said that is just a crime waiting to happen and a magnet for all sorts of things not wanted, not to mention it wouldn't look good.

Mr. Swanson said Fire Inspector, Greg Sykes, has just completed his 3rd course and will be taking the test on Wednesday. He said he has one more course to go before he can start doing code enforcement functions.

Mr. Swanson noted Mr. Sykes has been working with him quite a bit lately and thinks he will do a great job for the village and the town.

Mr. Swanson asked the Board of Trustees what they would like to do about abandoned vehicles and how to determine the value of the vehicles. He said in the past they have sat in the impound yard for years and eventually a scrape yard will come and removed them.

Trustee Fischer asked what would happen if the village was to go on private property and remove one.

Mr. Swanson said the vehicle laws in the zoning code says after four days of notification the village can have vehicles removed from the property. He also said the time and cost of getting a title for those vehicles is more than the vehicles are worth.

Mr. Swanson said if he remembers correctly, it goes off the value of the vehicle and said some of them you have to sit on for quite a long period of time.

Mr. LaMancuso said it is laid out in the zoning code but it is probably something that should be updated and addressed next time we work on the zoning code. He said there is also a section of the vehicle and traffic law that deals with junk vehicles and believes there's provisions where we can dispose of the vehicles.

Trustee Barnes said the Board of Trustees will look into what can be done between now and the September 11th board meeting.

Trustee Barnes said she recently spoke with Mr. John Steinmetz of Bergmann and Associates, Buffalo, NY. She said he reassured her that the Short Term Rental Committee and the consultants are listening to everyone. He said they are preparing some new things to add to the rough draft and will be getting that to us this week. She said once the committee and the board has had a chance to look it over, a public hearing can be scheduled this fall for the community attend.

RESOLUTION #144-2023 – SET TIME & DATE FOR A PUBLIC HEARING

Motion by Mayor Holcomb, seconded by Trustee Fischer, to set 6:45 PM, Monday, September 11, 2023, as the time and date for the Board of Trustees to conduct a public hearing to review a Special Use Permit application as submitted by Ms. Danielle DeVine, owner of 141 Chautauqua Ave., requesting approval to establish Short Term Rentals at 141 Chautauqua Ave.

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

AUGUST 14, 2023 (continued)

RESOLUTION #145-2023 - APPROVE NEW LAKEWOOD FIRE DEPARTMENT MEMBERS

Motion by Trustee Fischer, seconded by Trustee Barnes, that the Board of Trustees, acting as the Board of Fire Commissioners, to approve Mr. Walker Perry, 39 Cherry Lane, Ms. Hannah Dearman, 2091 Ridge Road and Ms. Emma Blasius, 5432 Route 474, Ashville, as new members of the Lakewood Volunteer Fire Department and grant Ms. Blasius out of district status.

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

RESOLUTION #146-2023 – ACCEPT RESIGNATION OF LFD MEMBER

Motion by Trustee Barnes, seconded by Trustee Jones, that the Board of Trustees, acting as the Board of Fire Commissioners, accept the resignation of Lakewood Volunteer Fire Department member Sharoyrn Ruby.

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

Trustee Barnes thanked Ms. Ruby for her years of service and said she is sorry to see her go.

RESOLUTION #147-2023 – APPROVE EVIDENCE TECHNICIAN POSITION

Motion by Trustee Fischer, second by Trustee Jones, to approve the permanent appointment of Lakewood Busti Police Officer Daniel Hafner as the Evidence Technician for the L-BPD.

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

**RESOLUTION #148-2023 – ACCEPT RESIGNATION OF POLICE OFFICER
DOUGLAS GOODWN**

Motion by Trustee Jones, seconded by Trustee Barnes, to accept the resignation of Lakewood-Busti Police Officer Douglas P. Goodwin, effective June 27, 2023, due to his recent retirement. Officer Goodwin has been with the L-BPD since November 1999.

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

RESOLUTION #149-2023 – ACCEPT RESIGNATION OF POLICE OFFICER SAM ROBINSON

Motion by Trustee Barnes, seconded by Trustee Jones, to accept the resignation of Lakewood-Busti Police Officer Sam Robinson, effective July 28, 2023. Officer Robinson has been a part-time Police Officer for the L-BPD since April 2022 and has accepted a full time position with the Town of Ellicott Police Department.

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

The Board of Trustees thanked both officers for their time of service.

RESOLUTION #150-2023 – ACCEPT RESIGNATION OF DPW EMPLOYEE ZACH JOHNSON

Motion by Trustee Barnes, seconded by Trustee Jones, to accept the resignation of DPW employee Mr. Zach Johnson, effective July 28, 2023. Mr. Johnson has worked for the DPW since June 2020 and has accepted a position elsewhere.

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

The Board of Trustees wished Mr. Johnson well in his new job.

RESOLUTION #151-2023 –APPROVE HIRING NEW DPW EMPLOYEEE

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve the hiring of Mr. Jared Pearson, 114 Southland Ave. as a full time parks employee with the DPW and promote Mr. Tanner Ramsey to streets. Mr. Pearson's date of hire will be July 31, 2023 and will be compensated at the rate of \$ 17.00/hr.

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

AUGUST 14, 2023 (continued)

RESOLUTION #152-2023 – APPROVE ACCRUED SICK HOUR TO SICK BANK

Motion by Trustee Barnes, seconded by Trustee Fischer, to approve any sick hours accrued by a village employee beyond the maximum 1600 be placed in the “sick bank”.

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

RESOLUTION #153-2023 – AUTHORIZE EXPENDITURE ACCOUNTS ADDED TO THE GENERAL FUND

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to add the following expenditure accounts to the general fund, as of 06/01/2023 – A 4540.00 (Ambulance/EMS Department), A 4540.10 (EMS Personal Services), A 4540.20 (EMS Equipment), A 4540.40 (EMS Supplies and Materials), A 4540.44 (EMS Professional Services), A 4540.45 (EMS Lkwd Fire Co Disbursement), A 4540.46 (EMS Operations & Maintenance) and A 4540.47 (EMS Education & Training).

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

RESOLUTION #154-2023 – AUTHORIZE BUDGET MODIFICATIONS

Motion by Trustee Jones, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make the following budget modifications, as of 06/01/2023 – Increase revenue account A101640.00 {Ambulance Charges} by \$115,000.00, Decrease expenditure account A3410.49 by \$35,000.00 and re-class all year to date expenditures in that account to account A4540.40. Increase the following expenditure accounts – A4540.40 by \$35,000.00, A4540.44 by \$25,000.00, A4540.45 by \$80,000.00, A4540.46 by \$5,000.00 and A4540.47 by \$5,000.00.

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

RESOLUTION #155-2023 – AUTHORIZE FUND TRANSFER

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for the Farmers Market PennySaver ad expense (Abstract #10) and reimburse vendors for the SNAP program (Abstract #12): \$ 142.20 from T-1093.15 {Farmers Market Fund} to A-1410.42 {Clerk – PJ Advertising} \$ 49.00 from T-1093.16 {Farmers Market SNAP Benefits} to A-7110.40 {Parks-Contractual}.

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

RESOLUTION #156-2023 – AUTHORIZE BUDGET MODIFICATION

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following budget modification to purchase new tables for the Richard O. Hartley Park. Increase A-7110.40 {Parks - Contractual} by \$ 1,485.00, reduce A-8160.41 {Refuse Annual June Junk Pickup} by \$ 1,485.00.

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

RESOLUTION #157-2023 –AUTHORIZE TRANSFER OF LFD 1992 PACE TRAILER

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize the transfer of the LFD 1992 Pace Trailer from a Village of Lakewood owned piece of equipment back to the Lakewood Fire Company.

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

AUGUST 14, 2023 (continued)

DISCUSSION ON PICKLEBALL COURTS

Mayor Holcomb said the village received a letter from Ms. Janet Calabrese requesting additional pickleball courts be added at LaGrega Field. Ms. Calabrese said the Chautauqua Regional Community Foundation contacted a group of pickleball players asking if they would be interested in applying for grant money that could be used towards improving the current pickleball courts or have a couple new courts built.

Trustee Barnes asked DPW Supervisor Pilling what his thoughts are on this.

Trustee Jones asked where a new court would go.

Mr. Pilling asked how the village will pay for it. He also said if you put additional courts near the current ones, three trees will need to be removed which were planted when the current courts became pickleball courts.

Trustee Fischer said they are looking at a grant of approximately \$ 20,000.00 and where would they find parking.

Mr. Pilling said a rough figure for a new court would be around \$ 30,000.00 and that is without a fence.

Trustee Barnes said the perfect place would be in the mall parking lot, they would have lots of parking there. She said the board will need some solid numbers so if the pickleball players want to go ahead and apply for the grant, then once it is approved they can bring it to us.

Trustee Jones said she would like to keep the Lakewood Beach open through Labor Day and only have two lifeguards on duty. She said because of their willingness to work longer and their loyalty, she would like to increase their wages by a dollar an hour and said there is money in the budget.

RESOLUTION #158-2023 – EXTEND BEACH DAYS & LIFEGUARD WAGES

Motion by Trustee Jones, seconded by Trustee Barnes, to extend the closing date of the Lakewood Beach through Labor Day, September 4, 2023 and increase the hourly wage for Lifeguards Donavin Brown and Carolyn Apthorpe by one dollar per hour.

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

Trustee Barnes suggested next year putting some “Beach Open” and “Beach Closed” signs up throughout the village.

Trustee Barnes reported the village will be creating new positions in the Village Clerk’s Office under the Civil Service Law. She said the village will be creating a Clerk/Treasurer position and two (2) deputy positions and will be hiring a temporary Clerk 2, all to be done by Local Law.

Trustee Barnes said a person for the position as Clerk 2 will be temporarily hired via Local Law.

Mr. Thomas Marlinski said he thinks the problem with the bands at Group Ther-Happy sounding louder than the bands at the beach is because of the elevation of land on the two (2) different pieces of property.

Motion by Trustee Fischer, seconded by Trustee Jones, to recess the regular meeting at 7:55 PM, so as to enter into executive session to discuss personnel matters.

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

Mary B. Currie
Village Clerk

AUGUST 14, 2023 (continued)

EXECUTIVE SESSION

Present at the executive session, were Mayor Holcomb, Trustees Barnes, Fischer and Jones.

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 8:37 PM.

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

RESOLUTION #159- 2023 – MEMORANDUM OF UNDERSTANDING DATED AUGUST 14, 2023

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Mayor Holcomb to execute the Memorandum of Understanding (MOU) between the Village of Lakewood and CSEA Unit 6320, dated August 14, 2023.

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

RESOLUTION #160 - 2023 – MEMORANDUM OF AGREEMENT DATED JULY 12, 2023

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize Mayor Holcomb to execute the Memorandum of Agreement (MOA) between the Village of Lakewood and CSEA Unit 6320, dated July 12, 2023.

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

RESOLUTION #161 - 2023 – AUTHORIZE HIRING TEMPORARY CLERK POSITION

Motion by Trustee Barnes, seconded by Trustee Jones, to hire Krysten Sisson to fill the temporary position of Clerk 2 starting on August 28, 2023 at the rate of \$ 19.00/hour. After a 6 month probationary period, the rate of pay will increase to \$ 20.00/hour.

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

REGULAR MEETING (Adjournment)

Motion by Trustee Fischer, seconded by Trustee Jones and unanimously carried to adjourn the regular meeting of the Board of Trustees at 8:45 PM.

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

Ellen E. Barnes
Village Trustee