

SEPTEMBER 11, 2023

The fifteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, September 11, 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 Treasurer Apryl L. Troutman, Deputy Clerk Krysten Sisson, Police Chief Christopher A. DePonceau, DPW Supervisor Thomas R. Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. Absent were Trustee Benjamin J. Troche, Village Clerk Mary B. Currie and Village Attorney John I. LaMancuso. A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Fisher, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees held August 14, 2023.

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

AUDIT OF CLAIMS

Motion by Trustee Jones, seconded by Trustee Fisher, that the claims as audited by the Auditing Committee of the abstracts dated September 11, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#16 & #16) Trust & Agency Fund: \$64,187.04, (checks #7795 thru #7831), General Fund: \$31,475.19 (checks #20059 thru #20085). Abstracts (#14 & #14) Trust & Agency Fund: \$72,250.21, (checks #7752 thru #7794), General Fund: \$78,640.85 (checks #20021 thru #20058).

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

REPORTS

DPW Supervisor Thomas Pilling reported that Grandview Ave has been milled and that they will start paving that on Monday weather permitting.

Mr. Pilling also said E. Terrace sidewalk project will be starting before the end of September. R. Patti received bid and will completing this job.

Mr. Dave Card asked Mr. Pilling about the cross walks on E. Terrace and the driving lanes on the top of the hill. Mr. Pilling stated that he contacted Lake Shore paving to see when they were going to come out and re-mark them.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had six hundred eighty nine incidents from August 14, 2023 to September 11, 2023 which included thirteen alarms, one hundred sixty-three business checks, eighteen check well beings, nine disorderly people, four domestic disputes- past tense, twelve larceny complaints, seventeen motor vehicle accidents, six peace officer checks, twenty-seven property checks, two shoplifting incidents, six speed trailer locations, eighteen suspicious situation, fifteen suspicious person, six unwanted person, eight vehicle complaints, one hundred sixty-six VT stops, nineteen warrants that were served and/or entered into the system and the speed trailer has been moved times. He added the L-BPD has handled six thousand three hundred twenty-four incidents year to date.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to seven hundred sixty-one alarms year to date. He said the LFD had one hundred fifteen calls in the month of August and indicated it was a busy month for them. Fire Chief Hallberg also reported that they had a devastating call on Squires Avenue which was the drowning of a four year old in a swimming pool. Mr. Hallberg stated that everyone is coping pretty good considering.

Village Treasurer Mrs. Troutman reported that the Village has received the annual water payment from the City of Jamestown in the amount of ninety-nine thousand one hundred and forty-one dollars. She stated this is just shy of our one hundred thousand revenue budget.

Mrs. Troutman also reported that we received the first payment from New York Stated OSC for the Richard O. Hartley Park Grant. She mentioned that we have been waiting on this payment since February 2023.

Building Inspector Jeff Swanson said he has provided copies from the department of transportation stating that they have accepted the plans as submitted by Blue Buffalo to remove the curb cuts for the new car wash. Mr. Swanson stated that they are moving forward with reviewing the plans for the new construction of the building and that the demo permit has been issued.

Mr. Swanson also brought up that Mr. Greg Sikes is three weeks through his training and that he is going very well and he is learning a lot.

Trustee Fisher asked when they are supposed to tear down the building and start building. Mr. Swanson stated that they are waiting until they have a building permit on hand so they can secure the fund however the demo permit has been issued.

Trustee Fisher and Barnes spoke there concerns about unregistered vehicles throughout the village specifically on Terrace and Case Ave. Mr. Swanson stated that he would look into these concerns.

Trustee Jones reported the Lakewood beach opened on June 29th and there was 6 lifeguards with one that plans to return next season (Savin Brown) . She stated the total salary for the lifeguards was twelve thousand five hundred thirteen dollars and seventy seven cents for the season. She also mentions that there was one thousand two hundred twelve visitors for the summer. Trustee Jones hopes that with an increase in adverting during the next season that they can increase the number of people. She mentioned that everyone was pleased with the beach.

Trustee Jones stated that beaches around the surrounding area were closed for a majority of the season. She stated that the Lakewood beach had one algal bloom in July that lasted six days, a two day shut down in August for E. Coil and another algal bloom right at the end of august. The one at the end of August the beach was just shut down for the season due to having issues getting CHQ health department out to test the water. During this time there were two lifeguards that worked to keep people out of the water. Trustee Jones purchased a little kiddie pool and filled it with water so the kids had water to use to build in the sand with.

Trustee Jones stated many parents and kids were happy with the beach this year.

Trustee Fishers mentioned about getting a raft built for next year, Trustee Jones stated she is going to be in touch with Boces to see if they would be able to make one with us paying for the lumber.

Trustee Barnes stated that someone suggested to her to put a notice up around the lake to see if anyone would have one to donate.

Trustee Jones thanked Mr. Pilling for building another life guard chair and painting the one they already had.

Trustee Barnes made the remark that the lake was in unusually good condition this year and that there was very few weeds.

RECESS

Motion by Trustee Fischer, seconded by Trustee Barnes, to recess the regular meeting of the Board of Trustees at 6:45 PM, so as to conduct a previously scheduled public hearing.

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

September 11th, 2023 (continued)

**PUBLIC HEARING – 6:45 PM
SPECIAL USE PERMIT APPLICATION
SHORT TERM RENTAL
141 Chautauqua Ave.**

Mayor Holcomb opened the public hearing at 6:45PM for the Special Use Permit requested by Ms. Danielle DeVine regarding her proposal to utilize the multi-family residence at 141 Chautauqua Ave. as a short term rental property.

Dave Barger asked if the term short term rental could be explain. The mayor explained a short term rental is a rental less than 30 days.

With no one else to be heard, Mayor Holcomb closed the public hearing at 6:47PM and re-opened the regular meeting of the Board of Trustees. Motioned by Trustee Barnes and seconded by Trustee Johns to close the public hearing and re-open the regular meeting.

RESOLUTION #162-2023 –APPROVE SPECIAL USE PERMIT FOR SHORT TERM RENTAL

Motion by Trustee Fischer, seconded by Trustee Troche, to approve a Special Use Permit, whereby Ms. Colleen Hayes will be permitted to establish a short term rental at 262 E. Fairmount Ave. Ms. Hayes will be required to follow all village regulations pertaining to short term rentals.

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

**RESOLUTION #162-2023 –ACCEPT CLINTON BROWN COMPANY ARCHITECTURE, pc
LETTER AGREEMENT #20-051**

Motion by Trustee Fisher, seconded by Trustee Jones, to accept Clinton Brown Company Architecture, pc Letter Agreement #20-051F, dated August 11, 2023, for Construction Documents Phase Services for exterior historic rehabilitation of the Anthony C. Caprino Municipal Building in the amount of \$25,000; and to authorize Mayor Randall G Holcomb to execute said agreement.

Adopted: 3 ayes, (Barnes, Fischer, Jones)

Treasurer Troutman added that next meeting budget modifications can be made to find the \$10,700. Money could be used out of the over usage and sales tax accounts.

RESOLUTION #1-2023 – REQUEST FOR PROPOSAL

Motion by Trustee Barnes , seconded by Trustee Jones , to accept Request for Proposal for the replacement of sidewalks, driveways and curbing & award the project to R. Patti Concrete Excavating, LLC, 1529 Foote Ave., Ext Jamestown, as the low proposal.

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

DPW Supervisor Mr. Pilling added that this project would be taking place throughout the village.

RESOLUTION #163-2023 – AUTHORIZE FUND TRANSFER

Motion by Trustee Fisher ,second by Trustee Barnes, to approve Authorize Village Treasurer Apryl L. Troutman to make the following fund transfers of \$ 214.84 from T1093-30 {Police-Radar Sign} to A3120.40 {Police Contractual} to pay Robbins & Sons for new tires for the LBPD speed trailer expense (Abstract #14) And \$ 290 from T1093-71 {Fuel Facility O&M Surcharge} to A5110.40 {Street Maintenance - Contractual} to pay Lictus Keystone for new fuel pump breakaways.

September 11th, 2023 (continued)

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

RESOLUTION #164-2023 – ACCEPT THE RESIGNATION

Motion by Trustee Jones, second by Trustee Fishers, to accept the resignation of Village Clerk Mary B. Currie effective September 30, 2023. Mrs. Currie has worked as a full time employee for the Village of Lakewood since March 1, 2000 and plans to retire.

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

Mayor Holcomb added that he thanks her for her 23 years of service to all the Lakewood residences.

RESOLUTION #165-2023 – ACCEPT THE RESIGNATION

Motion by Trustee Fisher, second by Trustee Barnes, to accept the resignation of Deputy Clerk/Treasurer Julie Toennis, effective August 22, 2023. Ms. Toennis has been employed by the Village since May 2021.

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

RESOLUTION #166-2023 – POSTPONING THE OCTOBER 9TH, REGULAR MEETING

Motion by Trustee Fisher, second by Trustee Barnes, to postpone the October 9, 2023 regular meeting of the Board of Trustees until 6:30 PM, Tuesday, October 10, 2023, due to the Columbus Day holiday.

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

RESOLUTION #167-2023 – SET HOURS FOR TRICK OR TREATING WITHING THE VILLAGE

Motion by Trustee Jones, second by Trustee Fishers, to set 5:30 PM – 7:30 PM, as the hours for Trick or Treating within the Village of Lakewood on Halloween, Tuesday, October 31, 2023.

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

RESOLUTION #168-2023 –APPROVE THE MEMORANDUM OF UNDERSTANDING

Motion by Trustee Jones, second by Trustee Fishers, to approve the Memorandum of Understanding that will complete and close LCDC's role in the Hartley Park Playground Project and authorize Mayor Holcomb to execute the same.

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

RESOLUTION #169-2023 –APPROVE THE RE-HIRING OF MR. DOUG GOODWIN

Motion by Trustee Barnes, second by Trustee Fishers, to approve the re-hiring of Mr. Doug Goodwin, as a part-time Police Officer for the Lakewood-Busti Police Department. Per the recommendation of Chief DePonceau, Officer Goodwin's date of re-hire will be September 9, 2023 and he will be compensated at the rate of \$ 25.50/hr.

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

September 11th, 2023 (continued)

RESOLUTION #170-2023 –APPROVE THE RE-HIRING OF MR. DOUG GOODWIN

Motion by Trustee Fishers, second by Trustee Jones, to approve to hire Stephanie DePonceau to fill a temporary position of Clerk 2 starting on October 2nd, 2023 at the rate of \$19.00/hour. After 6 month probationary period, the rate of pay will increase to \$20.00/hour.

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

RESOLUTION #171-2023 –APPROVE THE RE-HIRING OF MR. DOUG GOODWIN

Motion by Trustee Barnes, second by Trustee Jones to authorize Village Deputy Clerk Krysten G. Sisson to attend NYCOM'S Annual Fall Training School to be held in Lake Placid, N.Y., September 18th – 22nd. Ms. Sisson will be reimbursed for any and all authorized expenses incurred.

September 11th, 2023 (continued)

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

RESOLUTION #172-2023 –APPROVE JOINING NYCLASS

Motion by Trustee Fishers, second by Trustee Barnes, to approve to the joining of NYCLASS,

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, board of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Village of Lakewood wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and restated as March 28, 2019;

WHEREAS the Village of Lakewood wishes to satisfy the safety and liquidity needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Apryl Troutman, Treasurer of Village of Lakewood is hereby authorized to participate in the NYCLASS program under the terms of NYCLASS Municipal Cooperation Agreement Amended and Restated as March 28, 2019.

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

RESOLUTION #173-2023 –SET DATE AND TIME FOR SPECIAL MEETING

Motion by Trustee Barnes, second by Trustee Fisher, to set the date and time for a Special Meeting of the Board of Trustees to discuss and approve a new local law & discuss and approve an amendment to the current CSEA agreement; September 29th, 2023 at 10:00 am.

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

RESOLUTION #174-2023 –SET DATE AND TIME FOR PUBLIC HEARING

Motion by Trustee Barnes, second by Trustee Jones, to set the date and time for a Public Hearing for a proposed local law that would establish new positions in the Clerk and Treasurer offices; September 29th, 2023 at 10:35 am.

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

RESOLUTION #175-2023 – DICUSS AND APPROVE A GENERAL LIABILITY INSURANCE PACKAGE

Motion by Trustee Fisher, second by Trustee Barnes, for the Village of Lakewood for general liability insurance package to go with HCC Public risk in the amount of seventy thousand six hundred seventy six and twenty one cents.

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

September 11th, 2023 (continued)

**RESOLUTION #176-2023 –MOTION TO AUTHORIZE THE USE OF RICHARD O. HARTLEY
PARK AND VILLAGE STREETS**

Motion by Trustee Barnes, second by Trustee Jones, to authorize the use of village streets and Richard O. Hartley Park for the annual Lakewood YMCA Battle of the Businesses 2 miles race and other events to be held on September 16, 2023 starting at 9am.

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

Trustee Jones added that she will be closing the beach house bathrooms on this event day.

ANYONE TO BE HEARD

Mr. Dave Card asked if there as an update of the new Village website and a time frame when that was going to be completed.

Treasure Troutman stated that there was a delay due to the developer having a personal issue however she will reach out to Trustee Troche for an update.

Motion by Trustee Fisher, seconded by Trustee Jones, and unanimously carried the Board adjourned at 7:15 PM.

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

Krysten G. Sisson
Village Deputy Clerk