

September 12, 2022

The seventeenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, September 12, 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, Police Chief Christopher A. DePonceau, Village Attorney John I. LaMancuso, Fire Chief Kurt Hallberg and DPW Supervisor Thomas R. Pilling. Absent were Village Treasurer Apryl L. Troutman and Building Inspector Jeff Swanson.

A work session was held and a decision was made to support the request made by Dr. Rudy Mueller, President of the Chautauqua Lake Association, for the village to hold a "Rake the Lake" event. The event will ask resident and volunteers to remove seed weed from lakefront properties and get it to the roads edge on or before October 23, 2022, the Village DPW will collect and dispose of the seed weed on October 24, 2022.

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 August 22, 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 September 12, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstract #14, Trust & Agency Fund: \$ 66,635.27, (checks #6833 thru #6836), Abstracts (16# & #16) Trust & Agency Fund: \$ 60,712.34, General Fund: \$ 77,019.09, (checks #19103 thru #19149).

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

REPORTS

DPW Supervisor Thomas Pilling reported that a tree was felled during a recent wind storm we had a couple weeks ago and damaged one of the boat launch docks at Community Park. He said he is waiting for an estimate on replacing the dock from the Rock of Western New York and also waiting to hear from the Insurance Company.

Mr. Pilling said he met with some representatives from Kingsview Enterprises and a representative from Euclid Chemical, Cleveland, OH, to discuss the sealer issue with the sidewalks on Chautauqua Ave. He said after using a couple of test strips, the decision was made to try and reactivate the sealer with a chemical, roll it a couple times and then reseal it.

Mr. Pilling also asked the Board of Trustees if they have made a decision about the Hemlock trees on Ivy Lane and said if they want them taken down he will get an estimate to them shortly.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had five hundred forty-eight incidents from August 22, 2022 to September 12, 2022 which included one hundred six business checks, ten wellbeing checks, twelve domestic disputes, ten larceny complaints, thirteen motor vehicle accidents, eleven shoplifting incidents and sixteen warrants either entered or served.

Chief DePonceau said since having the speed trailer back in service, it has been placed in several different locations. He said with the schools back in session this week, it is currently located in the school zone.

Mr. Dave Card, 38 Chautauqua Ave. asked Chief DePonceau if there are any regulations on e-bikes, he said they fly up and down Chautauqua Ave. and is afraid someone will get hurt.

Chief DePonceau said he just received an e-mail on that and will report on it at the next Board of Trustees meeting.

September 12, 2022 (continued)

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to seven hundred seventy-nine alarms year to date. He added during the month of August and thus far in September the LFD has been averaging four alarms a day.

Village Attorney John I. LaMancuso reported he has prepared a letter to Kingsview in regards to the condition of the sidewalks they sealed on Chautauqua Ave. He said he has also completed Proposed Local Law #2-2022, relating to the truck traffic on Summit Street and said the village can move forward with the SEQRA process and scheduling a Public Hearing.

Village Clerk Mary Currie reported that the Farmers' and Artisans' Market is done for the season. She noted it went very well this year and the vendors are looking forward to next year.

Trustee Ben Troche and Mayor Holcomb thanked Deputy Clerk Julie Toennis for all the hard work she did with the Farmers' Market this year.

Building Inspector Jeff Swanson submitted his report saying he and Dave Wilfong have been busy with inspections and thinks the property maintenance complaints have begun to slow down. He said due to the phone calls he has been receiving lately, he anticipates the fall to be a busy building season.

Trustee Nancy Jones said she found out there was a fall lifeguard course scheduled and the only person to sign up was a 73 year old man. Trustee Jones said she was told the best place to pursue lifeguards would be at colleges and asked Village Attorney LaMancuso if he would consider putting together a contract that potential lifeguards could sign, if the village would pay to have them certified.

Trustee Rich Fischer said he is still looking into having credit card readers installed on the electric car charging stations.

RESOLUTION #144-2022 – SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Fischer, seconded by Trustee Troche, to set 6:30 PM, Monday, September 26, 2022, 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. Colleen Hayes, 52 Fairwood Dr., requesting approval to establish a Short Term Rental at 262 E. Fairmount Ave.

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

RESOLUTION #145-2022 – SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Barnes, seconded by Trustee Jones, to set 6:35 PM, Monday, September 26, 2022, 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. Jennifer Greer, 9868 Gardenside Dr., White Hill, Ohio, requesting approval to establish a Short Term Rental at 3 West Terrace Ave.

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

RESOLUTION #146-2022 – AUTHORIZE HIRING OF NEW DPW EMPLOYEE

Motion by Trustee Barnes, seconded by Trustee Jones, for the Board of Trustees to authorize the hiring of Mr. Tanner Ramsey, Baker St., Ext., Lakewood, NY, as a Laborer for the Department of Public Works. Per the recommendation of DPW Supervisor Thomas Pilling, Mr. Ramsey's start date will be September 14, 2022 and will be compensated at a rate of \$17.00/hr.

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

September 12, 2022 (continued)

RESOLUTION #147-2022 – APPROVE TOWN OF BUSTI TO ADVERTISE FOR BIDS

Motion by Trustee Barnes, seconded by Trustee Jones, to approve the Town of Busti advertising for bids for the sale of a portion of lots located on Hoag Road, known as Section 401.00 Block 1 Lots 46 & 47, and is jointly owned with the Village of Lakewood. The portion of land to be sold is approximately a 1,524 ft. x 50 ft. right-of-way along the southern boundary of the two (2) lots.

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

Mr. Andy Ohl, Jamestown, NY, has shown an interest in purchasing the land and has agreed to pay, in addition to the asking price, all Attorney fees associated with the sale of the property.

RESOLUTION #148-2022 – SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Jones, seconded by Trustee Fischer, to set 6:40 PM, Monday, September 26, 2022, as the time and date for the Board of Trustees to conduct a public hearing on Proposed Local Law #2-2022, regulating heavy commercial truck traffic along Summit St. (Chautauqua Co. Highway #110) and Terrace Ave. within the Village.

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

DISCUSSION ON PROPOSED LOCAL LAW #2-2022, REGULATING TRAFFIC

Trustee Jones said she has had a lot of complaints about the truck traffic along Summit Street and said the sooner the signs go up the better.

Trustee Barnes said she thinks signs should go up on all village streets north of Fairmount Ave., East Terrace Ave., West Terrace Ave., as well as the intersections of Fairdale Ave. and Fairmount Ave. and Chautauqua Ave. and Fairmount Ave.

DPW Supervisor Pilling said the Town of Ellicott will be installing a sign at E. Terrace Ave. and the Town of Busti will be installing one at W. Summit St.

Trustee Troche suggested the signs should be installed along Summit Street and not having them at each entrance into the village.

Mr. Pilling suggested making the weight limit on the trucks 10 tons.

RESOLUTION #149-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer for a budget shortfall; \$ 1,600.00 from A5110.40 {Street Maintenance – Contractual} to A5110.46 {Street Maintenance – Tree Service}.

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

RESOLUTION #150-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Jones, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer for a budget shortfall; \$ 2,144.79 from A5110.44 {Street Maintenance – Gasoline} to A5114.45 {Street Maintenance – Diesel Fuel}.

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

RESOLUTION #151-2022 – AUTHORIZE FUND TRANSFER

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for the new shrubs/trees on Chautauqua Avenue; \$ 704.90 from T1037.41 {Chautauqua Ave. Tree Replacement} to A5110.40 {Street Maintenance – Contractual}.

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

September 12, 2022 (continued)

RESOLUTION #152-2022 – AUTHORIZE BUDGET TRANSFER

Motion by Mayor Holcomb, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following budget transfer for the NYCOM Annual Conference Training registration and fees for Deputy Mayor Barnes and Trustee Jones; \$ 936.00 from A1990.40 {Contingent Account} to A1010.40 {Board of Trustees – Contractual}.

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

RESOLUTION #153-2022 – APPROVE PUBLICATION OF REQUEST FOR PROPOSALS

Motion by Trustee Jones, seconded by Trustee Barnes, to approve the publication of Request for Proposals (RFP) for the Playground Equipment Installation & Site Preparation Services at Richard O. Hartley Park. RFP's will be due, via email, to the Village Clerk by 3:00 PM, Tuesday, October 4, 2022.

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

Mr. Ted McCague said the equipment has been ordered and it is expected to be delivered around mid-October. He said the RFP is for an installer and they would like to have one under contract when the equipment arrives.

RESOLUTION #154-2022 – AWARD BIDS FOR 2023 POLICE VEHICLES

Motion by Trustee Troche, seconded by Trustee Barnes, for the Board of Trustees to accept the low net bid of \$ 88,769.00, as submitted by Dave Warren Chrysler Dodge Jeep Ram, 1001 Washington St., Jamestown, NY. One (1) 2023 Dodge Ram and one (1) 2023 Dodge Charger, which will be paid from the 2022-2023 budget and one (1) 2023 Dodge Durango and one (1) 2023 Dodge Charger, which will be paid from the 2023-2024 budget in June 2023.

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

**RESOLUTION #155-2022 – APPROVE HIPAA AGREEMENT WITH PROFESSIONAL
AMBULANCE BILLING, LLC**

Motion by Trustee Troche, seconded by Trustee Barnes, to approve Health Insurance Portability and Accountability Act (HIPAA) Business Associate Agreement by and between Professional Ambulance Billing, LLC, 8610 Main Street, Williamsville, NY and the Village of Lakewood and authorize Mayor Holcomb to execute the same, as presented.

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

RESOLUTION #156-2022 – APPROVE IRS INCREASED MILEAGE RATE

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve the IRS increased optional standard mileage rate from \$ 58.5 to \$.62.5. Due to the recent gasoline price increase, the new rate will be in effect from July 1, 2022 through December 31, 2022.

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

**RESOLUTION #157-2022 – APPROVE BORDER PATROL AUGMENTATION AGREEMENT
EXTENSION**

Motion by Trustee Troche, seconded by Trustee Barnes, to approve the extension to the current Border Patrol Augmentation Agreement with Chautauqua County by extending the term through August 31, 2023 and authorize Mayor Holcomb to execute the same.

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

September 12, 2022 (continued)

RESOLUTION #158-2022 – POSTPONE REGULAR BOARD OF TRUSTEES MEETING

Motion by Mayor Holcomb, seconded by Trustee Jones, that due to the upcoming Columbus Day holiday, Monday, October 10th, to postpone the regular meeting of the Board of Trustees, previously scheduled for 6:30 PM, Monday, October 10th, until 6:30 PM, Wednesday, October 12th. The meeting will be held in the Anthony C. Caprino Municipal Building, 20 W. Summit St., Lakewood, NY, preceded by a 6:15 PM work session.

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

Motion by Trustee Fischer, seconded by Trustee Barnes, to recess the regular meeting at 7:17 PM, so as to enter into executive session to discuss a personnel matter.

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, Village Attorney John I. LaMancuso and Village Clerk Mary B. Currie.

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Troche, and unanimously carried to adjourn the executive session and re-open the regular meeting of the Board of Trustees at 7:37 PM.

Motion by Trustee Troche, seconded by Trustee Barnes and unanimously carried the Board adjourned at 7:37 PM.

Mary B. Currie
Village Clerk