

September 26, 2022

The eighteenth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, September 26, 2022, 6:30 PM, with Deputy Mayor Ellen E. Barnes presiding. Trustees present were 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 were Mayor Randall G. Holcomb and Building Inspector Jeff Swanson. A work session was held with no action taken.

RECESS

Motion by Trustee Fischer, seconded by Trustee Jones, to recess the regular meeting of the Board of Trustees at 6:30 PM, so as to conduct a previously scheduled public hearing.

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

**PUBLIC HEARING – 6:30 PM
SPECIAL USE PERMIT APPLICATION
SHORT TERM RENTAL
262 EAST FAIRMOUNT AVE.**

Deputy Mayor Barnes opened the public hearing at 6:31 PM for the Special Use Permit requested by Ms. Colleen Hayes regarding her proposal to utilize the single family residence at 262 E. Fairmount Ave. as a short term rental property. Deputy Mayor Barnes asked Ms. Hayes if she would like to explain her request.

Ms. Hayes said she originally had 262 E. Fairmount Ave. as a long term rental and recently decided to do some upgrades, fully furnished it and turned it into a short term rental.

With no one to be heard, Deputy Mayor Barnes closed the public hearing at 6:32 PM and re-opened the regular meeting of the Board of Trustees.

RESOLUTION #159-2022 –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)

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 September 12, 2022.

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

AUDIT OF CLAIMS

Motion by Trustee Fischer, seconded by Trustee Troche, that the claims as audited by the Auditing Committee of the abstracts dated September 26, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstract (#18 & #18) Trust & Agency Fund: \$ 64,229.84, (checks #6905 thru # 6907), General Fund: \$ 47,337.74, (checks #19150 thru #19182).

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

Motion by Trustee Troche, seconded by Trustee Fischer, to recess the regular meeting of the Board of Trustees at 6:35 PM, so as to conduct a previously scheduled public hearing.

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

September 26, 2022 (continued)

**PUBLIC HEARING – 6:35 PM
SPECIAL USE PERMIT APPLICATION
SHORT TERM RENTAL
3 WEST TERRACE AVE.**

Deputy Mayor Barnes opened the public hearing at 6:35 PM for the Special Use Permit requested by Mrs. Jennifer Greer regarding her proposal to utilize the property known as 3 West Terrace Ave. as a short term rental property. Deputy Mayor Barnes asked Mrs. Greer if she would like to explain her request.

Mrs. Greer said she and her husband bought 3 West Terrace Ave. back in August and said they bought it for their own family's use. She said they would also like to let family and friends use it and perhaps occasionally a short term renter. She said if that were to happen, she wants to do everything by the book, but mostly anticipates it to be just family and friends.

Mrs. Greer indicated that she and her husband have put together a set of very detailed rules which include being very conscious of our neighbors and making sure the neighborhood has quiet enjoyment. Mrs. Greer added she and her husband are very respectful of the neighborhood.

Mrs. Greer said they know the house is in a business district and also that there are some private residences around them as well as a few short term rentals that are currently being used.

Ms. Nancy Bargar, 11 W. Terrace Ave., said she lives next door and has talked with Mrs. Greer about her plans and is comfortable with her well detailed and professional application. Ms. Bargar said at this juncture she feels good about her plans and is looking forward to a very pleasant relationship with the Greer family. Ms. Bargar said she is happy to know that every year the license will have to be renewed so if any issues should arise, they will be addressed.

Ms. Bargar wished to thank Mr. Louis Drago, Zoning Board of Appeals/Planning Board member, for thinking of her and wondering how she would feel about having a short term rental next door.

With no one else to be heard, Deputy Mayor Barnes closed the public hearing at 6:39 PM and re-opened the regular meeting of the Board of Trustees.

RESOLUTION #160-2022 –APPROVE SPECIAL USE PERMIT FOR SHORT TERM RENTAL

Motion by Trustee Troche, seconded by Trustee Jones, to approve a Special Use Permit, whereby Mrs. Jennifer Greer will be permitted to establish a short term rental at 3 W. Terrace Ave. Mrs. Greer will be required to follow the rules and regulations she submitted to the village as part of the license to operate the short term rental.

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

Motion by Trustee Troche, seconded by Trustee Jones, to recess the regular meeting of the Board of Trustees at 6:40 PM, so as to conduct a previously scheduled public hearing.

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

**PUBLIC HEARING – 6:40 PM
PROPOSED LOCAL LAW #2-2022
REGULATING TRAFFIC ON SUMMIT STREET AND TERRACE AVE.**

Deputy Mayor Barnes opened the public hearing at 6:40 PM for proposed Local Law #2-2022, regulating traffic on Summit Street and Terrace Ave. and asked if there was anyone present who would like to be heard.

September 26, 2022 (continued)

Mr. Thomas Mawhinney, 240 W. Summit St. said he and his wife are in favor of limiting the truck use along Summit St. He said they quite frequently walk along Summit St. and through the neighborhood and it has recently become pretty disconcerting to them that there has been so much truck traffic going up and down Summit St. He also said it would reduce the loud noise trucks make and make the street safer for people to walk along.

Mr. Mawhinney thanked the Board of Trustees for proposing Local Law #2-2022.

Ms. Nancy Bargar asked what will happen if this Local Law is passed.

Village Attorney LaMancuso said the heart of the regulation is that no tractor, tractor trailer or tractor semi-trailers shall be operated on Summit Street or Terrace Ave., unless making a delivery or pickup of goods or materials in the village, nor shall any motor vehicle of more than 10,000 pounds gross vehicle weight be operated on those two streets, also unless making a delivery or pickup of goods or materials in the village.

Ms. Bargar asked if there will be signs installed saying no through truck traffic and if the police will be patrolling it.

Mr. LaMancuso said there will be signs and it will be up to the police to patrol.

Mr. Mawhinney asked how long before the signs will be going up.

Trustee Barnes said by the time the signs are ordered and have been delivered, the Local Law should be filed with the state and then the signs can be installed, she said that usually take about a month.

With no one else to be heard, Deputy Mayor Barnes closed the public hearing at 6:48 PM and re-opened the regular meeting of the Board of Trustees.

**RESOLUTION #161-2022 –APPROVE SEQRA RELATING TO PROPOSED
LOCAL LAW #2-2022**

Motion by Trustee Troche, seconded by Trustee Jones, for the Board of Trustees to approve the State Environmental Quality Review Act (SEQRA) relating to proposed Local Law #2-2022, for the Village of Lakewood to regulate traffic on Summit Street and Terrace Ave. The Chautauqua County Planning and Development Board finds this Local Law to have no significant county wide or intracommunity impact and recommends it to be of local concern.

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

**RESOLUTION #162-2022 – APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION AND
LEAD AGENCY**

Motion by Trustee Fischer, seconded by Trustee Jones, for the Village of Lakewood to approve the issuance of a Negative Declaration and designate the Village of Lakewood as the Lead Agency in connection with Local Law #2-2022, to regulate traffic on Summit Street and Terrace Ave.

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

**RESOLUTION #163-2022 –ADOPT LOCAL LAW #2-2022, REGULATING TRAFFIC ON
SUMMIT ST. & TERRACE AVE.**

Motion by Trustee Fischer, seconded by Trustee Jones, for the Board of Trustees to adopt Local Law #2-2022, regulating traffic on Summit St. and Terrace Ave., as proposed and read by Deputy Mayor Barnes.

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

September 26, 2022 (continued)

VILLAGE OF LAKEWOOD
LOCAL LAW 2 OF 2022

REGULATING TRAFFIC ON SUMMIT STREET AND TERRACE AVE.
VILLAGE OF LAKEWOOD
PROPOSED LOCAL LAW 2 OF 2022

LOCAL LAW REGULATING TRAFFIC ON SUMMIT STREET AND TERRACE AVENUE

Be it enacted by the Board of Trustees of the Village of Lakewood as follows:

Section 1. Short Title.

This local law shall be known and cited as the “Summit Street and Terrace Avenue Tractor and Trailer Law”

Section 2. Legislative Findings.

- A. Village residents wish to preserve the peaceful, safe, and residential characteristics of the Village.
- B. The recent trend of more tractors, tractor-trailers, and tractor-semitrailers using public highways within the Village to bypass traffic on larger public highways constructed for heavy traffic is concerning to residents and the Board of Trustees. The tractors, tractor-trailers, and tractor-semitrailers that use such highways to bypass traffic cause unnecessary noise and pollution in the Village, cause unnecessary wear and damage to highways within the Village not constructed for regular commercial traffic, and pose unnecessary risks of damage to persons and property within the Village.
- C. Unless reasonable measures are taken, the said use of highways within the Village threatens the health, safety, and welfare of Village residents.

Section 3. Authority and Purpose.

The Board of Trustees of the Village of Lakewood hereby adopts this Local Law pursuant to Section 1640 of the Vehicle and Traffic Law, and pursuant to its general zoning authority under Article 4 of the Village Law, for the purposes of addressing the potential threat to the public health, safety, and welfare described at Section 2 above.

Section 4. Regulation.

No tractor, tractor-trailer, or tractor-semitrailer shall be operated on Summit Street or Terrace Avenue in the Village of Lakewood unless making a delivery or pickup of goods or materials in the Village. Nor shall any motor vehicle of more than 10,000 pounds gross vehicle weight be operated on Summit Street or Terrace Avenue in the Village of Lakewood unless making a delivery or pickup of goods or materials in the Village.

Section 5. Penalties for Offenses.

Any person or entity acting in violation of the provisions of this local law shall be guilty of an offense punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) or imprisonment of not more than fifteen days, or both. A second offense shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment of not more than fifteen days, or both. Any subsequent offense shall be punishable by a fine not to exceed one-thousand dollars (\$1,000.00) or imprisonment of not more than fifteen days, or both. In addition to such penalties, the Village of Lakewood may enforce this local law by injunction and/or such other appropriate civil remedies as may be available.

This local law shall be enforced by law enforcement agencies, including without limitation, the Lakewood-Busti Police Department.

Section 6. Repeal of Existing Laws.

All ordinances, local laws, or parts thereof in conflict with the provisions with this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Section 7. Severability.

If any portion, subsection, sentence, clause, or phrase of this local law is for any reason held invalid or unconstitutional by any court, such portion, subsection, sentence, clause, or phrase shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portion of this local law.

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Section 8. Effective Date.

This local law shall take effect upon filing with the Secretary of State of the State of New York.

REPORTS

DPW Supervisor Thomas Pilling reported that next week the DPW will begin removing all the equipment from the playground at Hartley Park and dig down approximately 15 inches to prepare the sub base for the contractors. He said orange fencing will be placed around the area and expects the project to be ready to begin mid to late October.

Mr. Pilling also said he was informed by Kingsview Enterprises that they might not be able to reseal the new sidewalks/concrete on Chautauqua Ave. until the spring of 2023. Mr. Pilling said he talked to a representative from Euclid Chemical and was told if the sidewalks go through the winter as they are now, then they try to reseal them in the spring, it more than likely won't work. Mr. Pilling suggested sending Kingsview a letter giving them a certain amount of time to get the job done or the village will hire another contractor to do the work at Kingsview's expense.

Trustee Fischer asked Mr. Pilling if he has any updates on the dock that was destroyed by the tree that came down on it at Community Park.

Mr. Pilling said an appraiser from the Insurance Company came down last week to look at it and said he hasn't heard anything since.

Mr. Pilling said he is still waiting to get a couple of quotes on the removal of the Hemlock Trees along Ivy Lane and asked the Board of Trustees if they have made a decision on how they would like him to proceed.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had three hundred forty-eight incidents from September 12, 2022 to September 26, 2022 which included seventy-eight business checks, seven checked well beings, five domestic disputes, nine vehicle accidents, ten property checks, seventy-seven vehicle and traffic violations, six shoplifting incidents, six suspicious people complaints and fourteen warrants were either entered or processed. Chief DePonceau said the speed trailer has been placed in four different locations and said within four hours eleven tickets were issued in the school zone on Southwestern Drive.

Chief DePonceau said in regards to the question Mr. Dave Card had about e-bikes and scooters along Chautauqua Ave., at the previous meeting he found they are treated the same way as bicycles and follow all the rules bicycles do with the vehicle traffic law. He said kids under the age of fourteen are to wear helmets, if they don't they can be issued a ticket and the parents of minors can be held liable for those tickets.

Ms. Nancy Bargar asked Chief DePonceau if it is true anyone who shop lifts a value of less than \$1,000.00 will not be prosecuted.

Chief DePonceau said that is pretty much left up to the business who has merchandise stolen. He said the L-BPD has arrested people for shoplifting as little as \$ 3.00 in merchandise.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to eight hundred thirty alarms year to date which includes thirteen in the past two days, and ninety four so far in September. Chief Hallberg said so far this year the LFD has had over one hundred more calls than at this time in 2021.

Chief Hallberg also said so far today the LFD has pumped out three basements, had a tree across the road and an EMS call. He also said due to the power outage yesterday morning, the alarm panel at the fire station was destroyed and will need to be updated and replaced.

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Chief Hallberg said it is the original alarm system, which is about twenty-six years old, and also services the DPW garage. He said he will keep the Board of Trustees informed on the cost of the replacement.

Trustee Barnes said the Short Term Rental committee and consultants had their first meeting and it seemed to go very well and will be moving forward.

RESOLUTION #164-2022 – SET HALLOWEEN TRICK OR TREAT HOURS

Motion by Trustee Troche, seconded by Trustee Fischer, to set 5:30 PM – 7:30 PM, as the hours for Trick or Treating within the Village of Lakewood on Halloween, Monday, October 31st.

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

RESOLUTION #165-2022 AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize the use of village streets, as a route for the bMF Color Run with music in the gazebo, to be held October 15, 2022 at 9:00 AM. The event will be collecting canned goods, pantry items and accept monetary donations for the St. Susan Center.

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

RESOLUTION #166-2022 – AUTHORIZE FUND TRANSFER

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer and issue payment for a donation received for the Beers for Badges event held at Group Ther-Happy; \$ 250 00 from A102705.00 {Gifts and Donations} to T1093.37 {Police – K9 Dog Unit} and issue payment to the Lakewood Fire Company in the amount of \$ 250.00 from A102705.00 {Gifts and Donations}.

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

RESOLUTION #167-2022 – AUTHORIZE FUND TRANSFER

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following fund transfer to pay for the school tax bills for the Chautauqua Avenue Park property; \$ 126.42 from T1037.35 {Park Land Deposits – Chautauqua Ave. Park} to A1950.40 {Taxes & Assessments on Municipal Property}.

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

RESOLUTION #168-2022 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following budget transfer for the NYCOM Annual Conference Training expenses for Trustee Jones; \$ 178.08 from A1990.40 {Contingent Account} to A1010.40 {Board of Trustees – Contractual}.

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

RESOLUTION #169-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer from a budget shortfall; \$ 4,400.00 from A5110.40 {Street Maintenance – Contractual} to A5110.46 {Street Maintenance – Tree Service}.

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

RESOLUTION #170-2022 – ESTABLISH EMS BANK ACCOUNT

Motion by Trustee Troche, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to establish a new M & T Bank account for Emergency Medical Services (EMS) billing.

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

September 26, 2022 (continued)

RESOLUTION #171-2022 – AMEND RESOLUTION #158-2022, POSTPONE VILLAGE MEETING

Motion by Trustee Troche, seconded by Trustee Jones, for the Board of Trustees to approve the amendment of Resolution #158-2022, dated September 12, 2022, postponing the previously scheduled Board of Trustees meeting, October 10, 2022 until October 12, 2022 and amend it by postponing the meeting until October 11, 2022 at 6:30 PM.

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

ANYONE TO BE HEARD

Ms. Nancy G. Bargar, 11 W. Terrace Ave., asked if there was a reason the trees along E. Terrace Ave. in front of 35 E. Terrace Ave were cut down and said she thought they were newly planted.

Mr. Pilling said the owners of 35 E. Terrace Ave. contacted him and asked if he would look at them to see if they were diseased and if so, could they be removed. He said they appeared to be dying so he had them removed.

Motion by Deputy Mayor Barnes, seconded by Trustee Jones, to recess the regular meeting at 7:22 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 Deputy Mayor Ellen E. Barnes, Trustee R. Richard Fischer, Trustee Nancy W. Jones, Trustee Benjamin J. Troche, Village Attorney John I. LaMancuso, Village Clerk Mary B. Currie and Village Treasurer Apryl L. Troutman.

EXECUTIVE SESSION (Adjournment)

Motion by Deputy Mayor 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 7:31 PM.

Motion by Deputy Mayor Barnes, seconded by Trustee Troche and unanimously carried the Board adjourned at 7:31 PM.

Mary B. Currie
Village Clerk