

November 14, 2022

The twenty-first regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, November 14, 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, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. Absent was DPW Supervisor Thomas R. Pilling. A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Fischer, seconded by Trustee Jones, to approve the minutes of the last regular meeting of the Board of Trustees held October 24, 2022.

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

AUDIT OF CLAIMS

Motion by Trustee Jones, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated November 14, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#24 & #24) Trust & Agency Fund: \$ 58,357.42, General Fund: \$ 106,872.03, (checks #19269 thru #19321).

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

REPORTS

Mayor Holcomb extended his condolences to Department of Public Works Supervisor Tom Pilling on the recent loss of his father.

DPW Supervisor Thomas R. Pilling reported the annual leaf pick-up will be complete within the next few days and indicated they have gone around the village several times. He also said the plows are on the trucks and ready for the snow.

Mr. Pilling said many years ago one of the buildings the village owns in Vukote was broken into and several items were stolen, he said today he received notice that the gentleman that robbed the building is now required to make restitution with the village by October 1, 2025 in the amount of \$ 10,000.00.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had six hundred nineteen incidents from October 24, 2022 to November 14, 2022 which included one hundred forty-nine business checks, seven well beings, eight disorderly people, seven domestic disputes, six larceny complaints, eighteen vehicle accidents, fifty-six property checks, fourteen shoplifting incidents and nine reports of suspicious people, thirty-nine vehicle and traffic stops and forty warrants were either entered into the system or processed. Chief DePonceau also said the speed trailer has been put away for the winter and he will be bringing it back out in the spring.

Chief DePonceau said they have handled forty-four parking complaints, which have mainly been warning tickets, and he wanted to remind residents there is no parking on village streets between the hours of 12:00 AM and 7:00 AM from November 1st thru March 31st.

Chief DePonceau also reported that over the weekend, an L-BPD Officer was bitten by a dog when responding to call on W. Fairmount Ave. He said the officer was treated at Wellnow and ended up needing a couple of stiches in his leg and said he is already back to work. Chief DePonceau noted the Chautauqua County Health Department has been notified and the dog right now is in quarantine being watched.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to nine hundred ninety-eight alarms year to date with forty-five of which have occurred thus far in the month of November.

November 14, 2022 (continued)

Chief Hallberg also reported the LFD assisted other area fire departments last week in battling a few grass and brush fires. In doing so, he said the LFD utilized their new all terrain vehicle (ATV) John Deere Gator and said it worked out well. He also said the other day the Fire Department assisted Ashville with a couple of electrical fires.

Chief Hallberg said when Lakewood lost power a couple of nights ago they put into service one of their generators and got one of the traffic lights on Fairmount Ave. back up and running.

Village Treasurer Apryl L. Troutman reported that the village received the fourth quarter sales tax distribution from Chautauqua County in the amount of \$ 257,327.28 and said that is above what was estimated for this year. She said that is almost a \$12,000.00 increase from last year's payment, which was \$ 245,936.00.

Building Inspector Jeff Swanson submitted his report saying the two structures at 126 E. Fairmount Ave. have been posted as unsafe structures and the former Five Star Bank at 284 E. Fairmount has been sold to Cattaraugus County Bank and renovations will be starting soon.

Mayor Holcomb reported he has created a Mayor's Advisory Committee to assist the village in establishing an EMS department and said they will meet when necessary to assist with the establishment and operations of the new EMS Department. Mayor Holcomb said the newly formed committee will consist of Mr. Dan Imfeld and Ms. Donna Bryant, who will be representing the Lakewood Fire Department, and Trustee Barnes and himself, who will be representing the village.

Trustee Troche thanked Mayor Holcomb for creating that committee and being the liaison between the Lakewood Fire Department and the Village Board of Trustees.

**RESOLUTION #183-2022 – SET TIME & DATE FOR A PUBLIC HEARING ON
PROPOSED LL #3-2022**

Motion by Mayor Holcomb, seconded by Trustee Jones, to set 6:30 PM, Monday, November 28, 2022, as the time and date for the Board of Trustees to conduct a public hearing on Proposed Local Law #3-2022, Providing Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

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

**RESOLUTION #184-2022 – APPROVE PROPOSAL FROM CLINTON BROWN COMPANY
ARCHITECTURE, PC**

Motion by Trustee Troche, seconded by Trustee Fischer, for the Board of Trustees to approve the proposal as submitted from Clinton Brown Company Architecture, PC, Buffalo, NY, for National Register Nomination Services to take the next step in the historic preservation of the Anthony C. Caprino Municipal Building.

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

UPDATE ON THE PROGRESS OF NEW PLAYGROUND

Mr. Ted McCague said the installation of the new playground at Hartley Park is progressing very well. He said they are approximately three weeks into the construction and fortunately the weather has been great. He said both pads have been leveled and the strip is around both pads where it can be installed. He said most of the apparatus is going up and it is beginning to look like a playground again. He said on Monday morning, the stone was delivered, which will be used for the steps and a retaining wall.

Mr. McCague said now that people are seeing the equipment and stone being installed everything he's been hearing has been very positive on the whole project.

November 14, 2022 (continued)

Mr. McCague said they have now begun to work on advertising for bids for the Security Surveillance System that will be installed around the playground and the beach house. He said the sooner they can get that installed the better.

Mr. McCague also said on Thursday Western New York News Now did a Multi-Media shoot and they were really impressed with the equipment and how it worked, as well as how beautiful the site is for the installation.

RESOLUTION #185-2022 – APPROVE ADVERTISEMENT FOR SECURITY SURVEILLANCE SYSTEM BID PROPOSALS FOR HARTLEY PARK

Motion by Trustee Fischer, seconded by Trustee Troche, for the Board of Trustees to approve advertisement for the installation of a video surveillance system and security system to be placed at the playground area and beach house area at Richard O. Hartley Park. Bid Proposals are to be submitted to the Village Clerk's Office no later than 3:00 PM, Friday, December 9, 2022.

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

RESOLUTION #186-2022 – AUTHORIZE TREASURER TO CREATE EXPENDITURE ACCOUNT

Motion by Trustee Troche, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to create a new expenditure account for Short Term Rental Zoning Laws: A-8010.40, {Zoning-Contractual}.

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

RESOLUTION #187-2022 – AUTHORIZE TREASURER TO ADD NEW EXPENDITURE ACCOUNT

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to add a new expenditure account, A-7110.40 {Parks-Contractual} and authorize the following transfer; \$ 4,110.00 from T-1037.35 {Park Land Deposits-Chautauqua Ave. Park} to A-7110.40 {Parks – Contractual}.

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

RESOLUTION #188-2022 – AUTHORIZE BUDGET MODIFICATION

Motion by Trustee Jones, seconded by Trustee Troche, to authorize Village Treasurer Apryl L. Troutman to make the following budget modification for Short Term Rental Laws; reduce expenditure account A-9015.80 by \$ 21,000.00, increase revenue account A-101120.00 by \$ 4,000.00, add \$ 25,000.00 to expenditure account A-8010.40.

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

RESOLUTION #189-2022 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following budget transfer for a budget shortfall; \$ 56.00 from A-1990.40 {Contingent Account} to A-1010.40 {Board of Trustees-Contractual}.

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

RESOLUTION #190-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Troche, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer for a budget shortfall; \$ 3,484.91 from A688 {Other Liabilities} and \$ 1,226.62 from T-1037.40 {Village Tree Trust Account} to A-5110.46 {Street Maintenance-Tree Service}. NOTE: Account A688 {Other Liabilities} holds the remaining July 2021 ARPA funds.

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

November 14, 2022 (continued)

RESOLUTION #191-2022 – APPROVE NEW FIRE DEPARTMENT MEMBERS

Motion by Trustee Fischer, seconded by Trustee Jones, that the Board of Trustees, acting as the Board of Fire Commissioners, approve Ms. Katherine Hutchinson, 317 Oak St. and Mr. Mark Zamborik, 317 Oak St., as new active members of the Lakewood Volunteer Fire Department.

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

RESOLUTION #192-2022-ESTABLISH POLICY FOR COMMERCIAL DRIVER’S LICENSE TRAINING

Motion by Mayor Holcomb, seconded by Trustee Jones, to establish a policy for Department of Public Works (DPW) employees who require a commercial driver’s license (CDL) in order to adequately perform their job duties. 1. The Village of Lakewood agrees to cover, up front, the cost of CDL Licensing/Training for Village of Lakewood employees who need a CDL license in order to adequately perform their job duties.

2.) The employee agrees to remain employed with the Village of Lakewood for at least four (4) years after the employee received the CDL license.

3. The employee agrees to reimburse the Village of Lakewood, in full, for the cost of the licensing/training should the employee leave the employment of the village before the end of the four (4) year period, regardless of the way employment with the village was terminated.

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

RESOLUTION #193-2022 – ENROLL DPW EMPLOYEE INTO CDL TRAINING PROGRAM

Motion by Trustee Fischer, seconded by Trustee Troche, to authorize Department of Public Works (DPW) Supervisor Thomas R. Pilling to enroll DPW employee Mr. Tanner Ramsey into the CDL Training Program at Hewes Educational Center, 2615 N. Maple Ave., Ashville, NY 14710.

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

DICUSSION ON CHAUTAUQUA AVE. ADDITIONAL CURB

Trustee Troche said he and DPW Supervisor Pilling have had extensive conversations about painting the additional curb, the different kinds of paint that can be used and all the different solutions that are out there.

Mr. Pilling said at one time there was discussion on additional signs and he indicated the curb is ADA compliant.

Trustee Barnes said she talked to AJ at the New York State DOT and he said according to the manual for Uniform Traffic Control Devices, a yellow or white paint can be used and it can be reflective. Ms. Barnes also suggested placing a fence parallel with Chautauqua Ave. with a few openings.

Trustee Barnes said the village has now been put on notice so something needs to be done.

Mayor Holcomb asked Mr. Pilling if he has are any more planters that railings and signs can be placed on.

Mr. Pilling said he can get more planters and signs ordered.

Village Attorney LaMancuso said there will always be falls on sidewalks for one reason or another so what it comes down to is, what is reasonable under the circumstances for the village to do knowing what it knows about the people who have been falling. Now that you know it is an issue for some people, the village needs to do something about it.

November 14, 2022 (continued)

RESOLUTION #194-2022 – ORDER SIGNS FOR CHAUTAUQUA AVE.

Motion by Mayor Holcomb, seconded by Trustee Fischer, to authorize DPW Supervisor Tom Pilling to order more planters and railing as well as an additional eight (8) signs that can be placed along the extra curb on Chautauqua Ave.

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

RECESS

Motion by Mayor Holcomb, seconded by Trustee Troche, to recess the regular meeting at 7:07 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, Police Chief Christopher DePonceau, Village Attorney John I. LaMancuso, Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Fire Chief Kurt Hallberg and Assistant Fire Chief Stephen Smouse.

EXECUTIVE SESSION (Adjournment)

Motion by Mayor Holcomb, seconded by Trustee Jones and unanimously carried to adjourn the executive session and re-open the regular meeting of the Board of Trustees at 7:17 PM.

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

RESOLUTION #195-2022 – PART TIME POLICE OFFICERS HOLIDAY PAY

Motion by Mayor Holcomb, seconded by Trustee Troche, to authorize part-time Police Officers who work on the following holidays to be compensated at 1.5 times their regular hourly wage for the hours they work. The holidays to be included are New Year's Day, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve, Christmas Day and New Year's Eve.

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

Motion by Trustee Troche, seconded by Trustee Fischer and unanimously carried the Board adjourned at 7:18 PM.

Mary B. Currie
Village Clerk