

November 28, 2022

The twenty-second regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, November 28, 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, DPW Supervisor Thomas R. Pilling, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. A work session was held with no action taken.

Mayor Holcomb began the meeting by asking for a motion to recess the regular meeting so as to conduct a previously scheduled public hearing.

RECESS

Motion by Trustee Troche, seconded by Trustee Jones, to recess the regular meeting of the Board of Trustees at 6:31 PM, so as to conduct a previously scheduled public hearing.

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

**PUBLIC HEARING – 6:30 PM
PROPOSED LOCAL LAW #3-2022
PROVIDING ADMINISTRATION AND ENFORCEMENT OF THE
NYS UNIFORM FIRE PREVENTION AND BUILDING CODE**

Mayor Holcomb opened the public hearing at 6:31 PM for proposed Local Law #3-2022, Providing Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code and asked if there was anyone present who would like to be heard.

With no one present to be heard, Mayor Holcomb closed the public hearing at 6:33 PM and re-opened the regular meeting of the Board of Trustees.

**RESOLUTION #196-2022–APPROVE SEQRA RELATING TO PROPOSED
LOCAL LAW #3-2022**

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to approve the State Environmental Quality Review Act (SEQRA) relating to proposed Local Law #3-2022, Providing Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code. 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 #197-2022–APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION AND
LEAD AGENCY**

Motion by Trustee Troche, seconded by Trustee Barnes, 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 #3-2022, Providing Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code.

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

**RESOLUTION #198-2022–ADOPT LOCAL LAW #3-2022, PROVIDING ADMINISTRATION AND
ENFORCEMENT OF THE NYS UNIFORM FIRE PREVENTION AND BUILDING CODE**

Motion by Trustee Fischer, seconded by Trustee Troche, for the Board of Trustees to adopt Local Law #3-2022, Providing Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, as proposed and on file in the Village Clerk's Office.

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

November 28, 2022 (continued)

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 November 14, 2022.

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

AUDIT OF CLAIMS

Motion by Trustee Fischer, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated November 28, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#26 & #26) Trust & Agency Fund: \$ 63,706.67, (checks #7047 thru #7049), General Fund: \$ 668,447.11, (checks #19322 thru #19348).

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

REPORTS

DPW Supervisor Thomas R. Pilling reported that the extra railings for the planters on Chautauqua Ave. have been ordered and should be ready soon. He also said AKS, Lakewood, is making the signs that will be placed in the planters.

Mr. Pilling said the playground is coming along nicely and noted the wood chips utilized as a cushion beneath the various pieces of playground equipment are expected to arrive later this week. He said the contractors will not be doing the finishing touches around the edges before spring and will probably be keeping the snow fence up throughout the winter.

Mr. Pilling said the Board of Trustees might want to think about whether they would like to open the playground up before it's complete and said there might be some people wanting to use it on nice days.

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had three hundred sixty-seven incidents from November 14, 2022 to November 28, 2022 which included ninety-seven business checks, forty-six property checks, nine larcenies, thirteen vehicle accidents, eleven vehicle complaints, twenty-seven parking complaints, nineteen vehicle stops, seven shoplifting incidents, twenty-one warrants that were processed and one robbery.

Chief DePonceau said the robbery took place on Monday, November 21st at a kiosk located inside the Chautauqua Mall. It was reported that a black male wearing a gray hoodie passed a note to an employee stating that he had a bomb strapped to him and he wanted some of the merchandise. The employee handed him some merchandise and he took off running. L-BPD Officers were called to the mall but could not locate him. However, in the Chautauqua Mall's public restroom, officers found what appeared to be a change of clothing and evidence that he had wiped makeup off his face.

Chief DePonceau said approximately three hours later there was a shoplifting complaint at Walmart, officers were able to locate that suspect who turned out to be the suspect of the earlier robbery at the mall. The suspect was interviewed and eventually confessed to the robbery. He was given an appearance ticket and is due back in court at a later date.

Chief DePonceau commended the L-BPD officers on doing a great job in apprehending him and getting a confession out of him.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to one thousand twenty-three alarms year to date. He also said the hoses and pumps on the trucks have all been tested and that the annual maintenance on the LFD's fleet of vehicles will begin soon. Chief Hallberg then wished to thank DPW Supervisor Pilling and the DPW crew for performing the annual maintenance on the LFD's vehicles.

November 28, 2022 (continued)

Village Attorney John I. LaMancuso reported that he has been working on an easement agreement with Attorney Shane Uber, Jamestown, who is representing the new owners of 161 Front St. and is here this evening to explain his request and answer any questions.

Building Inspector Jeff Swanson reported that the former Five Star Bank at 284 E. Fairmount has been sold to Cattaraugus County Bank and said he received the plans to renovate the building a couple weeks ago. Mr. Swanson indicated the contractors will only be doing some interior renovations and adding an additional exit/entrance on the southeast corner of the building.

Mr. Swanson said on Thursday he will be attending a class in Fredonia on the new laws for landlords and tenants. Mr. Swanson also said he attended a training seminar at Jamestown Community College last week on flood plain water levels/elevations which was conducted by the NYS Department of State and he felt no one has any real answers.

Mayor Holcomb reported that he received a letter from Tim and Betsy Shults, in regards to the October 26th letter the village sent asking them to replace the pine tree they had removed/cut down which was located within the Pine Ave. right-of-way. Ms. Betsy Shults said they have always planned to replant a tree in its place, however they will not be able to do so by the Village of Lakewood's previously prescribed timetable of November 30th. She said instead, they hoped a replacement pine tree could be planted as soon as the weather permits in the spring.

Trustee Nancy Jones said she too attended the training seminar at Jamestown Community College last week with Building Inspector Swanson and noted he was very knowledgeable about the subject matter, which impressed the presenters. Trustee Jones said the Village of Lakewood is very lucky to have Mr. Swanson as its Building Inspector.

Trustee Jones reported that she had a meeting with the gentleman that runs the aquatic services at the Jamestown Community College about trying to get lifeguards for the beach this summer. She said he was very excited about it, he had some great ideas and thought he could offer the course for \$200.00 per student, which is quite a bit less than the \$350.00 the YMCA wants to charge.

Trustee Barnes suggested the village pay for the course for any potential lifeguards, with a signed agreement that they will work for the village or reimburse the village for the cost of the course.

Trustee Jones also spoke of various ways the village could create an ice skating rink at the beach this winter, as has been done in the past.

Trustee Barnes announced that the Chautauqua Lake Protection and Rehabilitation Agency will be having a public informational meeting on the study of the funding mechanisms for Chautauqua Lake, Thursday, December 1st at 5:00 PM. She said this will be held in the legislative chambers in Mayville and also via Facebook.

Trustee Barnes said Barton and Loguidice, Buffalo, NY, have been working on the study and have come up with three different proposals, one of which is a tiered proposal that would affect pretty much everybody in Lakewood. She said if you are a stakeholder or property owner in the Village of Lakewood it might be of interest for you to attend.

Trustee Fischer said he recently spoke with Mr. Mark Meyerhofer, Senior Director, Government Affairs, Charter Communications, who told him he is looking into when the extra 2% franchise fee, that had been added to the original 5% in 2019, will be removed.

Mr. Shane Uber, Esq. of Jamestown, NY, appeared before the Board of Trustees as a representative for Ms. Tracy Rock, recent owner of 161 Front St., and indicated Ms. Rock would like to officially obtain an easement agreement for the current driveway and fence, which sits on the Glenwood Ave. right of way.

November 28, 2022 (continued)

Mr. Uber said by doing so, any future owners of the property would not have to question whether they are able to use the driveway and fence. He said this would continue to provide verification rights for the municipality as well as greater detail of what everybody's rights are relating to the driveway and the fence going forward. This will also eliminate the need for each future owner to have to come before the board seeking permission. Mr. Uber also said by approving an easement it would alleviate a lot of confusion of what can be done with that piece of the property and indicated it would not have any impact on the Fire Department accessing the lake.

Attorney LaMancuso said back in 1995 the Board of Trustees made a resolution giving the new owner at that time access, but a formal easement agreement has never been done. He said by making an easement agreement it will make the change of title clear on future transfers from owner to owner.

Mr. Swanson made a suggestion that if the fence is ever changed it should go back to the boundary line and become compliant.

RESOLUTION #199-2022 – APPROVE GLENWOOD AVE. RIGHT-OF-WAY EASEMENT AGREEMENT

Motion by Trustee Troche, seconded by Trustee Barnes, for the Board of Trustees to authorize the execution of the easement agreement, as purposed by Attorney Shane Uber, allowing the owners of 161 Front St., to continue to maintain and use the driveway and fence that is located on the Glenwood Ave. right-of-way.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

RESOLUTION #200-2022 – AMEND DEPUTY CLERK/TREASURER’S WORK WEEK HOURS

Motion by Trustee Troche, seconded by Trustee Barnes, for the Board of Trustees to amend the Deputy Clerk/Treasurer’s work week hours from 37.5 hours per week to 40 hours per week, as prescribed in Article II, Section 1 of the Village of Lakewood Personnel Policies and Procedures and will be retroactive to the date of November 16, 2022.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

Trustee Barnes clarified that this has happened numerous times over the past few years, with full time going to part time and vice versa and said it has been done through resolutions, she agrees it is something that should be done now.

Village Attorney LaMancuso said when that is done it would be appropriate to make the changes in the Village’s Policies and Procedures.

Mr. Taylor West, Project Manager for the Chautauqua Lake Watershed Management Alliance, appeared before the Board of Trustees to answer any questions they may have on the Grandview Stormwater Management Project and the New York State Assistance Contract. Mr. West began by saying this project should create approximately 100,000 cubic feet of storm water detention on the north side of the Grandview subdivision in an effort to reduce flooding on New York State Highway #394. He also said among many things, this will reduce the time spent cleaning up Fairmount Ave. as well as improve water quality, flow of traffic and economic development.

Trustee Barnes asked Mr. West if the amount of nutrients and silt will be cut down.

Mr. West said it will cut back on the amount that gets to the lake but the biggest impact will be in the sediment department. He said there will be several cuts that will catch the storm water and send it south of the gullies by the railroad property where there will be five pockets of wetland complexes that will capture and retrieve the storm water.

Trustee Barnes asked if there will be any maintenance to the village.

November 28, 2022 (continued)

Mr. West said there will be some reoccurring operations and maintenance commitment like in-kind and financial upfront commitment, which has already been taken care of by the Alliance.

**RESOLUTION #201-2022 – APPROVE WATER QUALITY IMPROVEMENT PROJECT (WQIP)
CONTRACT AGREEMENT WITH NYS**

Motion by Trustee Barnes, seconded by Trustee Jones, for the Board of Trustees to approve the New York State contract agreement for its Water Quality Improvement Project (WQIP) grant to complete the Grandview Stormwater Management Project and authorize Mayor Holcomb to execute the same.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #202-2022 – APPROVE CHAUTAUQUA LAKE AND WATERSHED
MANAGEMENT ALLIANCE CONTRACT AGREEMENTS**

Motion by Trustee Troche, seconded by Trustee Fischer, for the Board of Trustees to authorize contract agreements, 22-11-28a/AllianceMatch and 22-11-28b/AlliancePS, with the Chautauqua Lake and Watershed Management Alliance providing the Village of Lakewood \$ 15,645.00, with local match and to provide project services to the Village of Lakewood to complete the Grandview Stormwater Management Project Water Quality Improvement Project (WQIP), Grant #C01491GG, and also authorize Mayor Holcomb to execute the same.
Adopted: 3 ayes, no nays (Fischer, Jones, Troche) 1 recuse (Barnes)

Trustee Jones asked if this project will alleviant some of the water that comes down the hill from Grandview Ave. to Locust Street.

Mr. West said he doesn't believe it will go over that far. He said it will start where the pavement ends and go east along the railroad tracks and under the viaduct.

Trustee Jones asked Mr. West what this project will cost the village.

Mr. West said as far as the Village of Lakewood's local match commitment, it has so far been covered by local grants.

**RESOLUTION #203-2022 – APPROVE CHAUTAUQUA WATERSHED CONSERVANCY, INC.
(CWC) CONTRACT AGREEMENT**

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to approve the Chautauqua Watershed Conservancy, Inc. contract agreement, 22-11-28c/CWC, for the Grandview Stormwater Management Project WQIP Grant #C01491GG. The Village of Lakewood agrees to pay the CWC a sum, not to exceed \$ 5,000.00, for services and expenses incurred by the CWC, which will be reimbursable by the grant and also authorize Mayor Holcomb to execute the same.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

**RESOLUTION #204-2022 – APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN THE
VILLAGE OF LAKEWOOD AND CHAUTAUQUA COUNTY**

Motion by Trustee Barnes, seconded by Trustee Troche, for the Board of Trustees to approve the Memorandum of Understanding (MOU), as presented, on information sharing between the Village of Lakewood and the Chautauqua County Office of the Sheriff and authorize Mayor Holcomb to execute the same.
Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troche)

Trustee Troche said what this MOU does is give the Fire Department access with Chautauqua County to upload the EMS charts.

November 28, 2022 (continued)

RESOLUTION #205-2022 – APPROVE AMENDMENT TO THE CURRENT DISCOVERY REFORM SERVICES AGREEMENT

Motion by Trustee Troche, seconded by Trustee Barnes, for the Board of Trustees to approve the amendment to the current Discovery Reform Services Agreement with Chautauqua County by extending the term through December 31, 2023 and increasing the contract amount, that is to be paid to the village, by \$ 10,000.00 and to authorize Mayor Holcomb to execute the same.

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

RESOLUTION #206-2022 – APPROVE EXTENSION OF THE STOP-DWI SERVICES AGREEMENT

Motion by Trustee Barnes, seconded by Trustee Jones, for the Board of Trustees to approve the extension of the current STOP-DWI Services Agreement between the Village of Lakewood and the County of Chautauqua for the period of 01/01/2023 thru 12/31/2024 and authorize Mayor Randall G. Holcomb to execute the same.

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

RESOLUTION #207-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Jones, seconded by Trustee Fischer, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfer for a budget shortfall: \$ 117.00 from A-9015.80 {Fire & Police Retirement} to A-9010.80 {State Retirement}.

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

RESOLUTION #208-2022 – 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: \$ 385.37 from A-5110.40 {Street Maintenance – Contractual} to A-5110.43 {Street Maintenance – Vehicle Maintenance}.

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

RESOLUTION #209-2022 – AUTHORIZE BUDGET MODIFICATION

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make the following budget modification; Increase revenue account A-101255-00 {Clerk Fees} by \$ 1,000.00, increase expenditure account A-1410.42 {Clerk-PJ Advertising} by \$ 1,000.00.

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

RESOLUTION #210-2022 – CANCEL NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES

Motion by Trustee Barnes, seconded by Trustee Fischer, for the Board of Trustees to cancel the next regular meeting of the Board of Trustees, which is scheduled for Monday, December 26th and reconvene at the Annual Organizational Meeting to be held Monday, January 9, 2023, plus ask that the members of the Board of Trustees to approve any and all outstanding bills/claims for payment the last week in December.

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

RESOLUTION #211-2022 - AUTHORIZE USE OF RICHARD O. HARTLEY PARK

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize bMore Fitness to use Richard O. Hartley Park & Beach to host a fund raiser featuring a Polar Plunge type event and music on Saturday, January 14, 2023 from 9:00 AM–12:00 PM. The beach house will not be open for the event, however the event will be authorized to place a port-a-potty and/or tent at the beach, at the sponsor's cost on the day of the event.

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

November 28, 2022 (continued)

**RESOLUTION #212-2022 – AUTHORIZE PAYMENT FOR THE CHAUTAUQUA MALL
ASSESSMENT LAWSUIT**

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize Village Treasurer Apryl L. Troutman to make the appropriate payment for the Chautauqua Mall Assessment Lawsuit, as determined per the court order.

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

RECESS

Motion by Trustee Troche, seconded by Mayor Holcomb, to recess the regular meeting at 7:34 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, Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman.

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 7:50 PM.

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

Motion by Mayor Holcomb, seconded by Trustee Fischer and unanimously carried the Board adjourned at 7:50 PM.

Mary B. Currie
Village Clerk