

**BOARD OF TRUSTEES MEETING
VILLAGE OF LAKEWOOD
December 11, 2023**

The twentieth meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, December 11, 2023, 6:30 P.M.

Present:	Randall G. Holcomb	Mayor
	Ellen E. Barnes	Trustee
	Richard Fischer	Trustee
	Nancy W. Jones	Trustee
	Ben Troche	Trustee

Also Present:	Apryl L. Troutman	Village Clerk/Treasurer
	Krysten Sisson	Village Deputy Clerk
	Stephanie DePonceau	Village Deputy Treasurer
	Christopher A. DePonceau	Police Chief
	Thomas R. Pilling	DPW Supervisor
	Kurt Hallberg	Fire Chief
	Jeff Swanson	Building Inspector
	Marilyn Fiore-Lehman	Village Attorney

A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Jones, seconded by Trustee Fischer, to approve the minutes of the last meeting of the Board of Trustees held on November 13, 2023.

- Trustee Barnes added that the meeting minutes are fabulous and they reflect everything beautifully. The new format is great and Krysten is doing an excellent job.
- Trustee Fischer added Krysten is doing a great job.

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

AUDIT OF CLAIMS

Motion by Trustee Troche, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated November 30, 2023 and December 11, 2023, be approved and that the Clerk shall execute said abstracts and direct payment by the Deputy Treasurer.

- Abstracts (#26 & #26) General Fund: \$129,888.69, (checks #20266 thru #20313), Trust & Agency Fund: \$62,596.55 (checks # 7976 thru #8010)
- Abstracts (#28 & #28) General Fund: \$514,090.28, (checks #20314 thru #20361), Trust & Agency Fund: \$65,160.08 (checks # 8011 thru #8050) Voided checks #20344 & #20345, ACH to M&T bank.

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

REPORTS

DPW Supervisor Thomas Pilling:

- The new '24 Chevy Silverado is in service and ready to be used.
- The DPW tire machine is no longer working so with the help of the Lakewood Police Department and the Lakewood Fire Department, a new one is going to be purchased. Each department is going to contribute \$2,000 each for a total of \$6,000.

Police Chief Chris DePonceau:

- Between the dates of 11/13/2023 and 12/11/2023 the police department has handled 759 incidences, some of these incidences include the following:
 - o 18 animal complaints, 256 Area/Door/Business Checks, 21 assists to other agencies (Fire & PD), 11 wellbeing checks, 6 disorderly people, 9 larceny's, 15 MVAs, 9 Peace Officer, 86 property checks, 9 shoplifting, 16 suspicious situations, 4 suspicious people, 10 vehicle misc. complaints, 50 VT stops, 18 warrants (checked & served).

- The police department has had 8,558 calls year to date.
- The speed trailer is put away for the winter and will be brought back out in the spring.
- K-9 Kore has completed his training and has been certified as an explosive detection dog.
- The new cars that were ordered last year are supposedly in transit and should be arriving soon.
- The Town of Busti added 3 new pickle ball courts to the park at Loomis Bay.
- Trustee Barnes asked what the courts are doing about the shoplifting
 - o Chief DePonceau stated that it depends on the number of offences, however he would have to check with the Busti Court to see exactly what they are doing.

Fire Chief Kurt Hallberg:

- Lakewood Fire Department has ran 1,029 alarms year to date. This is a little less than last year that this time.
- The DPW is working on getting tires rotated, oil changes and other annual maintenance completed on all the apparatus.

Village Attorney Marilyn Fiore-Lehman

- Has been working with department heads on different issues and helping them come up with solutions.

Village Clerk & Treasurer Apryl L. Troutman:

- No report

Code Enforcement Officer Jeff Swanson:

- Greg and Jeff attended a training at JCC that talked about short term rentals, the zoning board and planning board. The Department of State didn't have answers to many of the questions that we asked.
- Some of the complaints that we are receiving are complaints that we can't do much about. There is only so much that we can do. We will keep answering the complaints and doing what we can about them.
- Trustee Jones asked if it is okay for people to park on their lawns, in relation to the complaint that was recently received by the village.
 - o Mr. Swanson added that the people are not directly parked on the lawn. They are just off the drive way a little bit. The drive way isn't quite wide enough for the size vehicles that they have but they are attempting to park in the driveway. He also added that there is nothing in the zoning code that says they are not allowed to park in the lawn.

Trustee Barnes:

- There is going to be a short term rental committee meeting on Thursday to go over the comments that were made by the public at the informational meeting in October. The committee is going to be going over the draft to see if there is any changes they wanted to make with the comments that were received. After this meeting, the village board is going to be taking the lead to finalize the short term rental law. In January there is going to be a special meeting with the short term rental committee, the board of trustees and the consultants. The committee and the consultants are still going to be assisting but the board is going to be the lead. The goal is to make a few changes and to have it finalized in the next few months.
 - o Michael from the Post Journal asked if the draft needed to be brought before the public before it could be passed.
 - Trustee Barnes added yes it will be a public meeting before it is voted on. It will also be looked over by our Attorney to make sure that it is a solid law.
 - o Mr. Swanson added that North Harmony is on the way to banning Short Term Rentals
 - o Trustee Barnes added that Dunkirk banned short term rentals within the town however. it was overturned in court. The committee is working on getting a copy of that decision.

Trustee Jones:

- Asked the board if they would consider paying to have a few kids complete the lifeguard course like they did last year. She knows that one or two are wanting to return next year but she isn't sure about the rest of them.
 - o Mayor Holcomb stated that yes we can do that and after Christmas she can start looking for potential lifeguards for next season.

Mayor Holcomb:

- After speaking with the Treasurer's Officer there was a concern about the claims, and that they were being paid after the monthly meeting, instead of going back to, two meetings a month, and the decision was made to move the claims to the third Friday of the month. On the third Friday the claims would be made available to the board to review and sign.
 - o Trustee Barnes asked if there could be some time set aside to speak about the meetings. She added that claims aren't supposed to be paid until they've been approved by the board. With just having one meeting this isn't working. She also stated with having two meetings, the board was keeping up on people's business a lot better. When things come up we are having to plan a special meeting, post it in the paper and can only talk about what is on the agenda. Nothing can be added if something comes up. Trustee Barnes also stated that she thinks we will be more responsive to the residences if we can have two meetings.
 - o Trustee Jones stated that she thinks we aren't being very good to our vendors with only having one meeting because it's taking a long time to get payment to them.
 - o Trustee Troche asked what other villages are doing with their claims if they are only have one meeting a month
 - Mrs. Troutman responded that she believes they are just doing one large claim a month and then only bills that are approved to be pre-paid are done outside the board meeting.
 - o Mayor Holcomb asked if we are sticking to the parameters of what is approved to be pre-paid.
 - Mrs. Troutman stated that we are doing the best we can with this. Sometimes we have to push payments through to avoid late fees. The village is very active with claims right now.
 - o Mayor Holcomb also asked if moving claims to a different time of the month would sufficient.
 - Mrs. Troutman responded by saying she doesn't think this takes care of the main issues of the board not approving the claims on record before they are being paid. She mentioned that the board is going through the claims and they are being signed but there is one whole folder of claims that are being paid and then being approved at the following board meeting.
 - o Village Attorney Marilyn stated that other places do have one meeting a month and just present the claims once a month, so it is really just up to the board with that they feel most comfortable with doing. She also brought up that vendors not receiving their payments right way has never been an issue. Most vendors know when they are doing work for a municipality it is going to take at least 30 days to get paid.
 - o Mrs. Troutman added that there is pros and cons of both sides. The office does enjoy just having one meeting a month just because that means there is only one set of meeting minutes. However, on the other side of having to postpone village business for a month and the concern with the claims is sometimes an issue. We are putting the claims together and mailing out checks without any village oversight which is not something we should be doing. We could try holding the claims to just one big batch a month.
 - o Mayor Holcomb asked the clerk's office if they would like to go back to two meetings a month.
 - Mrs. Troutman stated that she thinks it will make things easier.

RESOLUTION #212-2023: APPROVE TO RETURN TO TWO MEETINGS A MONTH

Motion by Trustee Troche, seconded by Trustee Barnes, starting in 2024, return to having two meeting a month on the second and fourth Mondays of the month.

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

ANYONE TO BE HEARD

Marilyn - Cherry Lane, Lakewood, NY 14750:

- As of November 14th all the lights coming from the Rock Church were gone. She also stated that she asked the Clerk's office to take the hand written letter off the minutes from the last meeting. Tonight she brought "Outdoor Lighting Guidance, for a More Beautiful Lakewood," (see attachment) to present to the board. They are suggestions that she has come up with from the businesses in Lakewood that have inappropriate lighting. The light disrupt the natural darkness. She mentioned that the dark sky lighting is important for a

more peaceful and beautiful village. She doesn't believe that the corrections to this lighting issue will be expensive. A few of the places that were mentioned that have inappropriate lighting are

- o Hospice (the brick house)
 - o Crosby's
 - o Fairmount Hills
 - o M&T Bank
- Trustee Barnes mentioned that another neighbor from Marilyn's neighborhood has complained about the Hospice House and Crosby's
 - Mayor Holcomb stated that he would reach out to these places and ask them to adjust the position of the lights to be more at a downward angle.

OLD BUSINESS

RESOLUTION #213-2023: APPROVE THE AGREEMENTS BETWEEN VILLAGE OF LAKEWOOD AND THE TOWN OF BUSTI

Motion by Trustee Jones, seconded by Trustee Barnes, to approve the agreement between the Village of Lakewood and the Town of Busti for law enforcement shared services within the Town of Busti and providing a law enforcement officer to Busti on a part-time basis to act as a court officer in the Town of Busti Justice Court.

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

- Trustee Troche thanked supervisor Jesse Robbins and the councilmen for the renewed partnership with them and that the board is looking forward to negotiating a contract

NEW BUSINESS

RESOLUTION #214-2023: APPROVE PERSONNEL TO ATTEND THE FLBOA CONFERENCE

Motion by Trustee Troche, seconded by Trustee Barnes, to approve the following to attend the FLBOA Conference: Codes Class on March 11, 12, and 13, 2024 at the RIT Inn & Conference Center (5257 West Henrietta Road, Henrietta, NY 14467).

- Jeff Swanson
- Greg Sykes

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

RESOLUTION #215-2023: APPROVE & SUPPORT NEW YORK STATE DEPARTMENT OF TRANSPORTATION – REGION 5 APPLYING FOR GRANT FUNDING FOR NY ROUTE 394 SIDEWALK EXTENSION PROJECT

Motion by Trustee Troche, seconded by Trustee Barnes to approve & support New State Department of Transportation- Region 5 applying for grant funding for NY Route 394 sidewalk extension project.

WHEREAS, the New York State Department of Transportation – Region 5 (hereinafter called “NYSDOT”) has a roadway project in the planning and development phase that will restore the pavement condition on NY Route 394 from NY Route 474 to the City of Jamestown encompassing the Village of Lakewood and the Town of Busti in Chautauqua County; and

WHEREAS, the project will also construct new sidewalks connecting the western edge of the Village of Lakewood to the existing sidewalk on the northern and southern side of NY Route 394; and

WHEREAS, the sidewalk portion of this project is not currently funded, however, NYSDOT is looking into various funding opportunities; and

WHEREAS, funding has been made available to the state through the Federal Highway Administration and administered by the NYSDOT in the Congestion Mitigation and Air Quality Improvement Program (hereinafter called “CMAQ”); and

WHEREAS, the NYSDOT - Region 5 intends on applying for grant funding through the CMAQ Program to fund the 394 Sidewalk Extension Project; and

WHEREAS, the Village of Lakewood's Comprehensive Plan, Active Communities Enhancement Report, and Village's Complete Streets Policy support sidewalks along West Fairmount Avenue (NY Route 394) in order to improve pedestrian and bicycle circulation in the village; therefore be it

RESOLVED, that the Village of Lakewood supports the NY Route 394 Sidewalk Extension project and the NYSDOT – Region 5's grant application for funding through the CMAQ Program and other future funding opportunities.

- Trustee Fischer added that he is totally against this. He stated that there is hardly anybody that walks out there now. He also mentioned that the project is going to cost millions. We have sidewalks in Lakewood that no one uses. People's properties are going to be taken and sidewalks are going to be in their front lawns. He also mentioned that all the trees that were planted are going to have to be taken down. He asked who is going to be plowing the new sidewalks.
- Trustee Barnes added that she not against this project but there is not a lot known about it. She stated that there is a meeting on 12/14/23 to learn about it. She asked if this resolution needed to be passed tonight or if it could wait until after the meeting on the 14th. She also asked a few questions such as are they going to be asking Lakewood for matched funding, who is exactly in charge of this project, and are peoples lawns going to be effected
 - o Mrs. Troutman added that they do need us to vote on this resolution before the meeting on the 14th so they know if they have the village's support on this project. She also added that this is a preliminary phase and it is not funded yet. They are looking for thought on the project from the community.
- Trustee Troche added that there may not be a lot of people walking in these areas because there isn't sidewalks and it can be a dangerous place to walk. He added that the project is looking at the safety concerns.
- Mr. Swanson asked if they are going to be creating new setbacks and taking property from the residents on 394.
 - o Mayor Holcomb added when they extended 394 the first time they had deeds for all the houses and they bought the property that they needed from residents. He stated that he assumes this is what they are going to have to do again.
- Dave Card, Chautauqua Ave, added that as a walker he would love to have the sidewalks added, it would make it a lot easier for him to walk places on that end of town.

Adopted: 3 ayes (Barnes, Troche, Holcomb), 2 nays (Fischer, Jones)

RESOLUTION #216-2023: AUTHORIZE THE REQUEST FOR SEALED BIDS FOR TWO (2) NEW POLICE PATROL VEHICLES

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize the request for sealed bids for two (2) new police patrol vehicles. Bids are to be returned by January 4th, 2024 and will be open at 3pm on that day.

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

RESOLUTION #217-2023: AUTHORIZE VILLAGE TREASURER APRYL L. TROUTMAN TO MAKE A BUDGET MODIFICATION FOR BUDGET SHORTFALLS

Motion by Trustee Fischer, seconded by Trustee Jones, to authorize Village Treasurer Apryl L Troutman to make the following budget modification for budget shortfalls –

- \$1,525 from A5110.40 {Street Maint. –Contractual} to A5110.46 {Street Maint. – Tree Service}

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

RESOLUTION #218-2023: AUTHORIZE VILLAGE TREASURER APRYL L. TROUTMAN TO INCREASE ACCOUNTS

Motion by Trustee Troche, seconded by Trustee Jones, to authorize Village Treasurer Apryl L Troutman to increase the following accounts-

- Revenue Account - A102401.00 {Interest and Earnings} by \$6,299
- Expenditure Account – A9010.80 {State Retirement} by \$1,972
- Account – A9015.80 {Fire and Police Retirement} by \$4,327

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

RESOLUTION #219-2023: AUTHORIZE THE USE OF \$13,071.55 FROM CAPITAL RESERVE ACCOUNT A878.10 {DPW EQUIPMENT} TOWARD THE PURCHASE OF NEW DPW EQUIPMENT (SHARED BUCKET TRUCK & '24 CHEVROLET SILVERADO)

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize the use of \$13,071.55 from Capital Reserve Account A878.10 {DPW Equipment} toward the purchase of new DPW Equipment (Shared Bucket Truck & '24 Chevrolet Silverado).

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

RESOLUTION #220-2023: ACCEPT THE RESIGNATION OF A LAKEWOOD FIRE DEPARTMENT MEMBER

Motion by Trustee Barnes, seconded by Trustee Troche, the Board of Trustees, acting as the Board of Fire Commissioners, to approve the resignation of Jacob Feldt, and be removed as an active member from the Lakewood Fire Department.

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

EXECUTIVE SESSION

Present at the executive session, were Mayor Holcomb, Trustees Barnes, Fischer, Troche and Jones. Clerk/Treasurer Apryl Troutman, Deputy Clerk Krysten Sisson and Police Chief Chris DePonceau.

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Troche, seconded by Trustee Barnes, and unanimously carried to adjourn the executive session and re-open the regular meeting of the Board of Trustees at 8:24 PM.

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

REGULAR MEETING (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Fischer, and unanimously carried to adjourn the regular meeting of the Board of Trustees at 8:26 PM.

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

Krysten G. Sisson
Village Deputy Clerk