

**BOARD OF TRUSTEES MEETING
VILLAGE OF LAKEWOOD
March 11, 2024**

The fifth meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, March 11, 2024,
6:30 P.M.

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

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

Absent:	Jeff Swanson	Building Inspector
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A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Fischer, seconded by Trustee Barnes, to approve the minutes of the last meeting of the Board of Trustees held on February 26, 2024.

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

AUDIT OF CLAIMS

Motion by Trustee Troché, seconded by Trustee Jones, that the claims as audited by the Auditing Committee of the abstracts dated March 11, 2024, be approved and that the Clerk shall execute said abstracts and direct payment by the Deputy Treasurer.

- Abstracts (#42 & #42) General Fund: \$52,449.61, (checks #20549 thru #20588), Trust & Agency Fund: \$57,245.15 (checks #8250 thru #8281)
- Voided checks #20588 & #20568, ACH to M&T bank.

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

- Trustee Fischer stated that in the claims he noticed that there was a big jump in pay to the Fire Company, it almost doubled from the last payment we gave them.
 - o Mrs. Troutman stated that when the revenue increases the amount that we pay the fire company increases.
- Mayor Holcomb asked if it was one month or more than one month.
 - o Mrs. Troutman stated that it was only one month. It is based off the revenue from the previous month and then we issue the check to the fire company.

ANYONE TO BE HEARD

Mr. Pete Conley spoke from 307 Oak Street, Lakewood NY 14750. Mr. Conley stated that he has lived on Oak Street for 25 years. He mentioned during that time there has been many changes on our street with neighbors moving in and out. He stated that the residence at 306 Oak Street (which is directly across the street from his residence) has had several owners over the course of the 25 years. He stated that they have dealt with issues such as upkeep and cleanliness that are required to meet the standards accepted to reside in the Village. The current neighbors have multiple vehicles which they park on the outer portion of the driveway which is causing mud to be dragged into the road. He mentioned that with them being the neighbor directly across the street we end up dragging the mud that is in the road into our driveway. He stated that they have to clean their driveway multiple times a year

because of the mud that is brought in from the road. He stated that he nicely discussed the concern with the neighbors and their response was, "what you would like us to do about it." The police have also been notified about the situation and there still has been no change according to Mr. Conley. He stated as a tax paying citizen of the Village, we shouldn't have to endure this. He also mentioned that the mud is being washed down the street and is eventually ending up in Chautauqua Lake. Mr. Conley provided pictures to the board.

- Mayor Holcomb asked if he has spoken with CEO Jeff about this issue.
 - o He stated that he did but CEO Jeff stated that there is nothing that can be done about the issue.
- Mayor Holcomb addressed the board and asked if anyone had any suggestion that might be helpful.
 - o Trustee Jones stated that she had an idea. She stated that maybe if they placed stone on the edge of the driveway where they are parking the cars that it would keep the mud from going to the road.
 - Mr. Conley stated that he hoped after talking to the neighbors about the issue that it would have resolved however, it is hasn't. He stated that it is unfortunate that there isn't a code or something that was in place that would solve the issue.
- Trustee Barnes asked Chief DePonceau if there is something in the vehicle traffic law that could help in this situation.
 - o Chief DePonceau stated that he isn't sure off hand, he would have to do some research. However, he stated that it does have to be creating a dangerous situation.
- Mayor Holcomb stated that he will call the owners and talk to them about the situation and see what we can do about it.
 - o Mr. Conley thanked the Mayor and the board.

REPORTS

Chief Kurt Hallberg:

- 393 Alarms year to date and it was a quiet weekend.
- Chief Hallberg asked to be excused after the Labella presentation to attend a HOTWASH at Celoron Fire Department pertaining to the fire that the Lakewood Fire Department attended a few weeks ago.

DPW Supervisor Thomas Pilling:

- Mr. Pilling stated that he met with the LCDC and the contractors that they hired to resurface the tennis courts and the basketball courts down at the beach. The contractors stated that there is lot of mildew on the courts which is making them slippery. Mr. Pilling stated that he contractors suggested that the 3-pine trees on the lake side near the tennis courts alongside the fence be taken down. They stated that it will help with the slipperiness. Mr. Pilling told the contractor that he would speak to the board and see what they would like to do.
 - o Mr. Fischer stated that he wishes some of that \$30,000 lakefront restoration money could be used to remove the trees.
 - Mr. Pilling stated that the DPW could probably cut the trees down depending on what the board would like to do. He stated that he would like to have the board think about it and get back to him at the next board meeting.
- Mr. Fisher asked Mr. Pilling again about the concrete blocks that are on the corners by where the brick are on Chautauqua Ave. He stated that is causing the dips not the bricks. He stated that he thinks that it should just be black topped and get it over with.
- Trustee Barnes asked if Mr. Pilling has able to get an estimate on getting the bricks replaced/fixd.
 - o Mr. Pilling stated that he has not heard back from RMS yet, but he did talk to them.
- Trustee Barnes asked where we are at with the diseased trees.
 - o Mr. Pilling stated that he thought the board was going to discuss to see if they wanted to go a shared route with the homeowners or what the plan was. This would be done to keep the cost down between the homeowners and the village.
 - o Miss. Sisson stated that she thought the decision was to get a price and then to talk with the homeowners to see if that is something that they would be willing to have done.
 - o Trustee Troché asked Mr. Pilling if he would reach out to the homeowners to see if they would be interested in doing this or not.
 - o Mrs. Troutman asked if this is something that we are encouraging them to do and the village isn't going to be financially involved because the trees are on private property.
 - Mr. Pilling stated that they are on both private and village property, so it is actually cheaper for all the trees to get sprayed at once. It is a bulk price.

- Trustee Barnes stated that if everyone isn't on board it might not be worth doing it at all.

*Clerk's office is going to issue the letters to the residents with the diseased trees.

Trustee Fischer:

- Trustee Fischer stated that he talked to Mr. Pilling about the Siegle Park area and about building up the outside edges. He stated he asked this because the area is so steep that it is hard for anyone to get down there and use the park. He mentioned that if it is going to be used for events throughout the summer it might be a good idea.
 - o Mrs. Troutman stated that there is an ongoing grant for this property. She mentioned that the Mayor and herself have a meeting with community foundation on Monday, March 25 to discuss the plans with the property. She stated that the community foundation has been working with Dr. Siegle and his sister and now the next step is to connect the community foundation with the village.
- Mr. Fischer asked if that is for tables and stuff.
 - o Mrs. Troutman stated that she is not sure what kind of money that we are talking about that has been established by the family.

Police Chief Christopher A. DePonceau:

- Between the dates of 02/26/2024 and 03/11/2024 the police department has handled 449 incidences, some of these incidences include the following:
 - o 9 alarms, 181 Area/Door/Business Checks, 4 assists to other agencies (Fire & PD), 4 wellbeing checks, 1 disorderly person, 4 larceny's, 13 MVAs, 73 property checks, 26 Special details, 8 suspicious situations, 3 suspicious people, 41 VT stops, 9 warrants (checked & served).
- 2311 incidences YTD
- Mr. Fischer mentioned that Mr. DePonceau did a great job of putting the annual report together.

Village Attorney Marilyn Fiore-Lehman:

- No report

Clerk/Treasurer Troutman:

- The Village recently received a letter from the New York State Department of Conservation regarding the Fairmount Ave constructed wetland project. It's a WQIP project and as reported before at a meeting, the village has been awarded \$244,876 to move forward with the project.
- There is an agenda item for an upcoming training, once approved Mrs. Troutman wanted to let everyone know that she has a list of attendees started. She mentioned that if anyone is interested in going to let her know so she can get them signed up or they can sign up from the link that was sent to their emails.
- Mrs. Troutman mentioned that there is also an agenda item for a fund transfer in regards to an outstanding liability on our balance sheet for the medical expenses incurred for K-9 Sarge. The village itself has received several donations that have gone into our custodial fund as well as the Police Benevolent Association has raised funds. So that transfer is to take the monies raised and reduce that liability. However, there is still an open liability on the balance sheet of \$18,499.80. Mrs. Troutman stated that the village is going to have to discuss further to where that money is going to come from to cover that. She also mentioned that going forward that we could discuss how the K-9 Unit is going to be funded. She stated that we never know when we are going to need the money until a situation comes up like it did.

Deputy Clerk Krysten Sisson:

- The website is completely done, we are just waiting for it to go live. Jason the website creator is working on it, however it keeps getting stuck at 82%. He emailed right before the meeting stating that he has been on the phone with web support working on getting it fixed.
- The County has been able to provide us with no-cost solar eclipse glasses. She stated that she placed an order of 3,000 and that we are just waiting for them to come in. They should be this week or next. The plan is to let the community know when they come in.

Code Enforcement Officer Swanson:

- Absent due to attending a training.

- Mayor Holcomb did ask if the front office knew where he was at with his annual report because he received a phone call about it.

Mayor Holcomb:

- Last Thursday on March 7th, he was invited by Senator George Borrello to attend and participate in a meeting, with himself, County Executive Wendel, as well as other elected officials, to meet with NYS DEC Regional Director Julie Barrett O'Neill and DEC officers, specifically to discuss the NYS Wetlands Law and Chautauqua Lake concerns.

The DEC officials explained that the recent Chautauqua Lake wetlands declaration, regarding the southern basin and the Burtis Bay area of the lake, occurred because the natural density of that part of the lake now falls into the description of wetlands. Ms. Barrett O'Neill especially explained, several times that there are no wetlands being created, nor planned. The DEC stated that this is not a push the panic button moment. DEC explained that existing seasonal docks that have been out every year will still be allowable at no fee. Possibly, stressing the word possibly there may be a fee for new docks installed in the lake in the following years. There will still be treatment of Chautauqua Lake every year. Weed removal that has been done in the past, will continue as it always has. Boat traffic will be the same. Ms. Barrett O'Neill further stated that Gov. Kathy Hochul and the DEC are so interested in the health of Chautauqua Lake that the Governor included a section in her State of the State address on January 11th, specifically identifying that Chautauqua Lake and the Finger Lakes will receive additional help from the state to deal with harmful algal bloom in lake waters. Governor Hochul said she will direct the state Department of Environmental Conservation to implement pollution reduction strategies, advance water quality monitoring and complete a feasibility study to determine the extent and severity of internal phosphorus loading in Chautauqua Lake and at the same time Governor Hochul wants to work on projects that reduce nutrients entering the lake, including streambed stabilization and weed buggers on the lakeshore. All local participants in this meeting left with a much needed explanation of the wetland declarations in Chautauqua Lake and the knowledge that there will be no wetlands physically created.

Trustee Jones:

- She stated that she has been working on getting a raft for the beach this summer, however she stated that she has not been very successful in it. She stated that maybe she could put an ad in the penny saver or the paper to see if we can find one.
 - o Mr. Pilling asked if we had to get rid of our old one because of liabilities.
 - Mrs. Troutman stated that she did reach out to the insurance company however she has not heard back from them yet.

DISCUSSION WITH LABELLA PC ARCHITECTURAL AND ENGINEERING DESIGN SERVICES

Trustee Troché introduced Thomas Simbari an associate from LaBella who put in a proposal for the RFP. He mentioned that Mr. Simbari was kind enough to come down and tour the facility and also had a one on one meeting with us. Mr. Simbari is a leading expert in fire stations for Labella. Trustee Troché stated that he is here with us to give a little presentation and answer any questions that the board, the public or department heads might have. Trustee Troché also mentioned that the village did receive four proposals, which the committee reviewed and scored them. The feasibility scores were provided to the board for recommendations. It is ultimately up to the board to decide however, we do recommend Labella.

Mr. Simbari went over the proposal that they submitted to the committee and explained the work that the company has completed other places. (Please see attached proposal)

Trustee Troché mentioned that it is good to note that Labella is also being utilized for their grant writing services for the v-fire grant through New York State that is due at the end of April.

Trustee Barnes stated that she had a few questions to ask Mr. Simbari:

1. She mentioned that it stated in the RFP, that the company is looking for building conditions. Trustee Barnes asked what exactly are they looking for. The soundness of the building or what could be added on.
 - a. Mr. Simbari stated that there is a bunch of different ways they look at the building conditions. It all depends on what they are looking for and how they are going to use the information. He stated

is a completely different part of this too. An estimate would be put in place of the two design options at the end.

5. Trustee Troché mentioned that to him this feasibility study is a good template to show us how to spend the funding that we do have and how it can best be used towards the goals that we have. We aren't going to build something that we can't afford and this study will allow us to see our options.

RESOLUTION #37-2024-ACCEPT THE LABELLA PC ARCHITECTURAL AND ENGINEERING DESIGN SERVICES PROPOSAL AND AUTHORIZE MAYOR HOLCOMB TO EXECUTE SAID AGREEMENT.

Motion by Trustee Troché, seconded by Trustee Fischer, accept the LaBella PC architectural and engineering design services proposal, dated 02/02/2024, for a LFD Fire/EMS Facilities Plan and Feasibility Study. And, authorize Mayor Holcomb to execute said agreement* upon receipt and after review by the Village Attorney.

*The agreement is for a lump sum fee of \$46,000. LaBella recommends establishing an additional \$1,000 budget allowance for reimbursable expenses.

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

*Before voting for the resolution above. Trustee Troché asked Attorney Lehman if there as any conflict of interest with him voting.

- Attorney Lehman stated that there was no conflict of interest and he would vote on the proposed resolution.

OLD BUSINESS

RESOLUTION #38-2024-APPROVE SPECIAL MUSIC PERMIT FOR LIVE MUSIC ON JULY 20TH FROM 7PM TO 11PM AT THE LOCATION OF 59 E. TERRACE AVE, LAKEWOOD, NY 14750.

Motion by Trustee Fischer, seconded by Trustee Jones, to approve Special Music Permit for live music on July 20th from 7pm to 11pm at the location of 59 E. Terrace Ave, Lakewood, NY 14750.

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

- Miss. Sisson stated that she spoke with Lou about the questions that the board presented last meeting. She stated that Lou mentioned that his daughter did plan on sending out letters to the neighbors as a courtesy and that he also did say that they read all the rules and regulations and plan on following them.

NEW BUSINESS

RESOLUTION #39-2024- AUTHORIZE THE VILLAGE CLERK/TREASURER TO MAKE THE FOLLOWING FUND TRANSFERS.

Motion by Trustee Fischer, seconded by Trustee Troché, to authorize the Village Clerk/Treasurer to make the following fund transfers:

- \$50 from T1093.15 {Farmers Market Fund} to A7110.40 {Parks – Contractual} to pay for the 2024 NYS Farmers Market Manager's Virtual Conference
- \$7,963.57 from T1093.37 {Police-K9 Dog Unit} to A391 to reduce the open general fund liability for accrued K9 Sarge expenses

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

RESOLUTION #40-2024-AUTHORIZE MAYOR HOLCOMB TO SIGN THE ZABELLI FIREWORKS MANUFACTURING CO. CONTRACT/AGREEMENT.

Motion by Trustee Fischer, seconded by Trustee Troché, to authorize Mayor Holcomb to sign the Zambelli Fireworks Manufacturing Co. Contract/Agreement.

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

RESOLUTION #41-2024-REVIEW/APPROVE 2024 LAROW DOCK PERMIT APPLICATIONS AS SUBMITTED.

Motion by Trustee Fischer, seconded by Trustee Jones, to approve 2024 LAROW Dock Permit applications as submitted by:

- a. Ms. Renee Czarniak, 205 W Summit St., for the Division St. R-O-W
- b. Mr. Eric Steinbrenner, 5 Pleasantview Ave., for the Pleasantview Ave. R-O-W

c. Ms. Sherri Grask, 159 E. Terrace Ave., for the Glenwood Ave. R-O-W

d. Mr. John Johnson, 178 Front St., for the Woodlawn Ave. R-O-W.

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

RESOLUTION #42-2024-AUTHORIZE VILLAGE EMPLOYEES TO ATTEND THE SOUTHERN TIER WEST ANNUAL LOCAL GOVERNMENT CONFERENCE.

Motion by Trustee Troché, seconded by Trustee Jones, to authorize the Clerk/Deputy Clerk, Code Enforcement Officers, Mayor, Members of the Board of Trustees, Planning/Zoning Board and other officials to register and attend the Southern Tier West annual Local Government Conference to be held at Houghton College, Thursday June 6, 2024.

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

RESOLUTION #43-2024-APPROVE THE HIRING OF MR. MASON KUBINKSI AS A FULL-TIME EMPLOYEE OF THE DPW

Motion by Trustee Fischer, seconded by Trustee Troché, to approve the hiring of Mr. Mason Kubinski, 88 S Alleghany Ave, W.E., as a full time parks employee with the DPW. Mr. Kubinski's tentative start date of hire will be March 25, 2024 and will be compensated at the rate of \$ 18.00/hr.

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

TABLE TO POSTPONE THE MONDAY APRIL 8, 2024 BOARD OF TRUSTEES MEETING TO THE FOLLOWING DAY, TUESDAY APRIL 9, 2024.

Motion by Trustee Barnes, seconded by Trustee Troché, to table postponing the Monday April 8, 2024 Board of Trustees meeting to the following day, Tuesday April 9, 2024.

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

RESOLUTION #44-2024-DISCUSS/APPROVE THE FOLLOWING PERSONNEL POLICIES AND PROCEDURES:

Motion by Trustee Troché, seconded by Trustee Fischer, to approve the following Personnel Policies and Procedures:

- a. Procurement Credit Card Program
- b. Workplace Violence

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

- Trustee Troché mentioned that the changes to these polices are just housekeeping items. He stated that changing the limit to \$3,000 was passed in a previous board meeting last year, the policy just never got updated. He mentioned that the other changes are from changes in the front office staff and who people can contact in certain instances.
 - o Trustee Barnes mentioned that the transaction credit limit was not updated on her paper she received so she asked just to make sure everything is updated and coincides.
 - Mrs. Troutman stated that the per transaction limit is \$1,000. No one can spend more than that per transaction. She mentioned that certain department heads had a credit increase for the month not the per time.

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 7:46 PM.

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

Krysten G. Sisson
Village Deputy Clerk