

JANUARY 9, 2012

The nineteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 9, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago, and Joseph M. Troche. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Village Attorney Edward P. Wright, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg, and Building Inspector Charles L. Smith.

MAYOR'S REPORT

Mayor David T. Wordelmann indicated to those present he would like to take a couple minutes to review some initiatives for the Village of Lakewood to consider during the balance of his first term as Mayor.

Mayor Wordelmann said the first series of initiatives he would like to proceed forward with involve working directly with the new administration at the Town of Busti. Firstly, to negotiate a fair and equitable police services contract agreement between the Village of Lakewood and Town of Busti. The current contract agreement expires December 31, 2012. Secondly, to negotiate a fair and equitable recreation contract agreement between the Village of Lakewood and the Town of Busti. NOTE: The recreation agreement expired December 31, 2011. Thirdly, to work together with the Town of Busti to better manage storm water issues which have plagued the area the past few years. The two entities need a joint understanding on how best to alleviate the problems caused by unmanaged storm water.

Mayor Wordelmann said the Village of Lakewood is one of fourteen municipalities within the Chautauqua Lake watershed working on a county-wide plan to control storm water run-off. He said the plan could mean amending local zoning laws to better address the issue.

Mayor Wordelmann also said he doesn't believe we need to wait and take directions from Chautauqua County regarding this matter but rather work closely with the Town of Busti to determine where improvements can be made.

One major project he would like the Village of Lakewood and Town of Busti to revisit is to look into the feasibility of consolidating of the two offices. Another joint project he would like to reconsider is a deer management program. Mayor Wordelmann said he received a call from a resident last evening wanting to know what he was going to do about the five deer that were in the tax payer's backyard.

Town of Busti Supervisor Jesse Robbins suggested that the New York State Department of Environmental Conservation be contacted again so we may move forward with at least the plan to have additional deer permits issued to area hunters as a means to thin the existing herd. Mr. Robbins said in doing so it would reduce the herd that also moves into the Village of Celoron and the City of Jamestown. He also said the program doesn't cost anything and that the Town of Busti would be happy to work with the Village of Lakewood addressing this problem.

Mayor Wordelmann continued his report saying other projects for consideration include the razing the former sewer treatment plant and establishing a "dog park" and picnic area on the site, the installation of a new public dock off Hartley Park with shoreline improvements and picnic grove and sand volleyball court at Hartley Park.

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Mayor Wordelmann said there are community members and Chautauqua Ave. business owners pushing for a public dock off Hartley Park. Although there has been some opposition to a public dock at this location in the past it is time to reconsider this idea.

Other initiatives for the future include changing out the old entrance signs at the various entry points to the village, consider a welcome to Lakewood sign and some maintenance free landscaping at the railroad overpass on Fairdale Ave., and paint the railroad overpass on Rt. 394 which many consider an eyesore. The list of initiatives also includes the power washing and painting of the wood trim at the Anthony C. Caprino Community Building, a memorial at the Veterans Memorial Park on East Terrace Ave., look into the feasibility of selling village owned property along Winch Road, consider adding a vehicle service bay to the existing D.P.W. garage plus remodel the office area and restroom, take steps to establish a water retention area and control the erosion along the section of Crescent Creek between East Summit St. and the railroad tracks, paint or construct a new Village of Lakewood sign at the intersection of Chautauqua Ave. and Rt. 394 and finally restart the tree replacement program that the Tree Commission began a few years ago.

Mayor Wordelmann added that upgrading the sign at the top of Chautauqua Ave., could very well be a joint project between the village and town.

APPROVAL OF MINUTES

Motion by Trustee Denn, seconded by Trustee Troche, to approve the minutes of the last regular meeting of the Board of Trustees, held December 12, 2011.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Denn, that the claims as audited by the Auditing Committee of the abstracts dated December 29, 2011 and January 9, 2012, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. General Fund: 12/29/11:

\$ 27,894.56, General Fund: 01/09/12: \$ 23,521.52

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated to Mayor Wordelmann that he would get together with Village Treasurer Andrea J. Windoft to discuss and figure out the most economical method to pay the Village of Falconer for their used street sweeper.

Trustee Susan F. Drago wished to thank Mr. Pilling for recently taking her on a tour of the D.P.W. facilities, public rights-of-way to the lake and other village owned property the D.P.W. crew maintains.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department ended 2011 by responding to ten thousand ninety-one reportable incidents for the year and so far in 2012 have responded to two hundred sixty-five reportable incidents.

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Chief Bentley also reported that back in May 2011 he sent two officers, Casey D. Casselman and Michael Currie to Crisis Intervention School and in doing so applied for a grant which was expected to pay for their lost time and expenses associated with the school. Chief Bentley said he recently received a check in the amount of \$ 7,500.00, \$ 5,000.00 of which has been deposited into the Police Salaries account.

Chief Bentley also reported that about six weeks ago he came across a site on the internet in connection to grants being offered to public safety organizations through a foundation overseen by Wal-Mart.

He went on to say he applied for a \$ 10,000.00 grant but received \$ 5,000.00, which was better than nothing. Chief Bentley said the money will be used to purchase equipment and pay for upcoming use of force training exercises.

Chief Bentley said he also recently received a check in the amount of \$ 3,216.00 from Chautauqua County through the STOP-DWI program, but believes the department may have been short changed. Chief Bentley said he intends to look into a possible discrepancy in funding received through the program.

Trustee Drago asked Chief Bentley a question about parking on side streets during non-winter months.

Chief Bentley indicated that unless otherwise marked people are allowed to park on both sides of the road as long as they do not block through traffic.

Mayor Wordelmann asked Chief Bentley about cars that might be parked for a short period of time during the winter months.

Chief Bentley said the D.P.W. crew will generally contact the police department about certain vehicles that are hindering snow removal operations which are subsequently ticketed. Chief Bentley said officers, as a reminder to motorists, usually will issue warning tickets to those violating the winter parking rules in November before any actual snow emergencies.

Trustee Drago asked if the parking scheme at and around the Chautauqua Lake Yacht Club should be looked at because at times cars are parked on both sides of New York Ave. making it very difficult at times for traffic to get through let alone an emergency vehicle.

Trustee Troche indicated that an individual has complained to him on more than one occasion about the problems and dangers created by allowing people to park on both sides of New York Ave. The danger occurs when children dash between cars into the street. Trustee Troche added there was a close call a couple years ago. The complainant would like to see no parking signs erected on one side of New York Ave., from East Terrace Ave. to East Lake Street.

Chief Bentley said if no parking signs are indeed erected along one side of New York Ave., the Lakewood-Busti Police Department will enforce the no parking zone.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department responded to eight hundred seven alarms during 2011 and have responded to nineteen alarms so far this year. Chief Hallberg indicated he would like for the New York State Department of Transportation to look into the possibility of establishing a detour for emergency vehicles during the installation of a new box culver under Rt. 394 at Hillcrest Ave. Chief Hallberg indicated that if a detour isn't possible at the site then the Lakewood Fire Department will just have to respond as best we can.

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Chief Hallberg indicated in response to a question from Mayor Wordelmann, the Lakewood Fire Department is the busiest all volunteer fire department in Chautauqua County, adding 2011 was the second busiest year ever for the department.

Mayor Wordelmann thanked Fire Chief Hallberg and all the volunteers that make up the Lakewood Fire Department for all they do for the community in a given year.

Village Attorney Edward P. Wright indicated that last Friday the Village of Lakewood received a Notice of Claim, in the name of Ms. Ellie L. Hagberg, 902 East Second Street, Jamestown, N.Y., vs. the Town of Busti, Village of Lakewood and the Lakewood-Busti Police Department, which has been sent to the Village of Lakewood's insurance carrier. Mr. Wright said it is his opinion that the claim is misguided.

Village Treasurer Andrea J. Windoft reported that revenue received through the STOP-DWI program is deposited into account 102625.00, which for the current fiscal year was appropriated at \$ 11,000.00. Village Treasurer Windoft noted that this revenue account has had a short fall for a number of years in a row.

Mayor Wordelmann asked Building Inspector Charles L. Smith if he has heard anything new regarding Darden Restaurant's proposal to construct an Olive Garden restaurant on an outparcel at the Chautauqua Mall.

Mr. Smith said he hasn't heard anything new but based on his last conversation with representatives from Darden Restaurants, he expects something to happen if not this month then in February.

Trustee Drago asked Mr. Smith about a semi trailer parked in the Dairy Queen parking lot.

Mr. Smith said he contacted the property owner earlier today and asked him to find another place to park it.

Mayor Wordelmann asked Mr. Smith if he has any definitive information on what might be going into the former Carnahan's men's store site.

Mr. Smith said all he knows at this time is that it is some form of financial institution.

RESOLUTION #93-2011-2012 – SET TIME AND DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Troche, per the recommendation by Mayor Wordelmann to set 6:40 PM, Monday, January 23, 2012, as the time and date to conduct a public hearing to review an application for a Special Use Permit/Site Plan Review as submitted by Mr. Timothy M. Shults, of Shults Real Estate, 181 E. Fairmount Ave., regarding a proposal to establish a new & used automobile sales lot and auto service center at 90 Mall Blvd. In accordance with Section #25-14, (C-10), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law, the establishment of a new and/or used automobile sales lot in a B-2, Highway Business District requires a Special Use Permit. Also, in accordance with Section #25-85, [Site Plan review], of the Village of Lakewood Zoning Law, the development of 5,000 sq. ft. or more of commercial floor space requires site plan review.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

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RESOLUTION #94-2011-2012 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Troche, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann to set 7:00 PM, Monday, January 23, 2012, as the time and date to conduct a public hearing to review an application for a Special Use Permit as submitted by Ms. Tammy Magnuson, 29 Linwood Ave., regarding a proposal to re-establish a bar/tavern at 103 Chautauqua Ave., the same site as the former Yesterdays Bar/Restaurant. In accordance with Section #25-13, (C-2), [Retail Business (B-1) District], of the Village of Lakewood Zoning Law, the establishment of a bar/tavern within a B-1, Retail Business District requires a Special Use Permit.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

RESOLUTION #95-2011-2012 – AUTHORIZE REQUEST FOR BIDS

Motion by Trustee Troche, seconded by Trustee Drago, authorizing the Village Clerk to advertise for bids regarding the Village of Lakewood's garbage collection/disposal and recycling program. Sealed bids are to be received at or before 2:00 PM, (local time) Thursday, February 23, 2012, at the Office of the Village Clerk, at which time and place they will be publically opened and read aloud.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

RESOLUTION #96-2011-2012 – AUTHORIZE REQUEST FOR BIDS

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Lakewood-Busti Police Chief John R. Bentley to advertise for bids for the purchase of two (2) 2012 marked police patrol cars. Sealed bids are to be received at or before 2:00 PM, (local time) Friday, February 3, 2012, at the Office of the Village Clerk, at which time and place they will be publically opened and read aloud.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

Prior to voting on the next agenda item, Trustee Denn indicated he spoke with Police Chief Bentley regarding the prospective police officer candidates and how the interviews went. Trustee Denn said he was very impressed with the educational component of all the candidates vying for the job and each of them should be commended. Trustee Denn noted the prospective appointee has a Masters degree in police administration which indicates to him the individual is dedicated to the profession and therefore would concur with Police Chief Bentley's recommendation to hire Steven A. Bentley as a full-time Police Officer for the Lakewood-Busti Police Department.

RESOLUTION #97-2011-2012 – APPROVE FULL-TIME POLICE OFFICER APPOINTMENT

Motion by Trustee Denn, seconded by Trustee Troche, to approve the appointment of part-time Police Officer Steven A. Bentley, 220 Hillcrest Ave., to a full time position effective January 10, 2012, per the recommendation of Police Chief John R. Bentley. Officer Bentley who has worked as a part-time Police Officer since February 15, 2011, will fill the vacated full time position created by the recent retirement of Gordon L. Carlson. Officer Bentley will be compensated at the probationary salary level of \$37,882.00/year.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

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RESOLUTION #98-2011-2012 – APPROVE PART-TIME POLICE OFFICER APPOINTMENT

Motion by Trustee Troche, seconded by Trustee Drago, to approve the appointment of Andrew M. Nelson, Jamestown, N.Y., as a Part-Time Police Officer for the Lakewood-Busti Police Department effective January 11, 2012, per the recommendation of Police Chief John R. Bentley. Officer Nelson will be compensated at a rate of \$ 16.49/hr., and fill the vacated part-time position created by the promotion of Part-Time Police Officer Steven A. Bentley.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

RESOLUTION #99-2011-2012 – APPROVE USED STREET SWEEPER PURCHASE

Motion by Trustee Troche, seconded by Trustee Denn, per the recommendation of Department of Public Works Supervisor Thomas R. Pilling, to approve the purchase of a used 2007 Elgin Pelican street sweeper from the Village of Falconer, New York at a cost of \$ 60,000.00, with the stipulation that an acceptable method of financing the purchase will be determined by Village Treasurer Andrea J. Windoft.

Adopted: 3 ayes, no nays (Denn, Drago, Troche)

Motion by Trustee Denn, seconded by Trustee Troche, and unanimously carried the Board adjourned at 7:20 PM.

Joseph M. Johnson
Village Clerk