

MARCH 11, 2013

The twenty-fourth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, March 11, 2013 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago, John Jablonski and Joseph M. Troche. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney Edward P. Wright, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith.

MAYOR' S REPORT

Mayor Wordelmann indicated he was somewhat dismayed upon reading the article in this past Saturday's edition of The Post-Journal about the ongoing negotiations between the Village of Lakewood and the Town of Busti regarding the police services agreement. Mayor Wordelmann indicated he would like to take a few minutes to read a press release of his own as a rebuttal to the aforementioned newspaper article.

LAKEWOOD: From the start of negotiations on an extension of the Police Services Contract with the Town of Busti, I have repeatedly asked members of the Town Board to limit the amount of information we release to the press. This is a normal request in most negotiations because it helps to eliminate the amount of information and miscommunication and avoids hurt feelings and animosity between the two parties. Unfortunately the Town of Busti has chosen the other path, which has allowed the aforementioned result to rear its ugly head. This puts me in a position of releasing this statement in an effort to clear any confusion that now exists. This will be the last time that I will speak publically about the details of these negotiations until we have an agreement. My hope is the Town of Busti will agree to reciprocate. The Village of Lakewood has provided superior police services to the Town of Busti for over thirty years. It is the opinion of the Village Board, based on a review of the number of calls that the Police Department answers on a yearly basis that the Town of Busti has not paid fully for the services the Village has rendered. Subsequently the taxpayers of the Village of Lakewood have had to subsidize the Town of Busti by thousands of dollars over the last fifteen plus years. As the costs of providing Police Services has risen dramatically over the last ten to fifteen years, the inequity in payment has only been exacerbated. Currently the Town of Busti pays roughly 27% of the costs associated with the Police Budget, while they use 37% of the service. During the last thirty years the Village has had to staff and maintain the number of employees that is commensurate with the level of service required to cover both the Town and the Village. At the same time we have provided the court facilities free of charge. It should also be noted that the Town of Busti gets to keep the majority of the fines and forfeited bail for themselves a figure that typically nets the Town over \$100,000.00 per year. Even though I spent an hour last week at a Town Board meeting explaining what the Village of Lakewood is asking for, the Town of Busti says they still don't understand what the Village is asking for. Therefore, let me express as clear and concise as I can, exactly what the Village Board is asking for as there are really only three items we are looking for.

1. We are asking for the Town to pay for Police Services at the rate that it costs the Village to provide it.
2. We are asking that both sides agree to review the contract in the third year to make sure we are on track to avoid the continued disparity of costs and payments that have plagued this agreement over the last several years.
3. We are asking for assurances that if at anytime in the future the Town opts out of the agreement that the Village is not left holding the bag for future expenses that we will incur due to stranded pension costs or massive layoffs, leaving us stranded in the middle of our budget year.

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What we are not asking for is any of the following:

1. We are not asking to recoup any of the hundreds of thousands of dollars we feel the Town has underpaid us for the last fifteen years.
2. We are not asking for full payment of 37% or \$ 490,000.00 in the first year. Our offer allows the the Town to gradually get up to that figure over a five year period.
3. We are not asking for rent, utilities or maintenance of the Court facility we now provide for free.

In closing, the Village Board and I were elected by the citizens of Lakewood to be their representatives to serve the best interests of the Village of Lakewood residents in all our dealings. It is imperative that the Town and the Village continue the great working relationship we have enjoyed in the past. Ultimately the most important factor the Town Board must remember is that we are all equal members of the Town of Busti.

Mayor Wordelmann indicated he has rewritten portions of the proposed police services contract/agreement which will be discussed in executive session later tonight.

APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held February 25, 2013, with the exception that a sentence in Mayor Wordelmann's discussion on the police services contract be corrected to read as follows. Mayor Wordelmann indicated that Trustee Jablonski put some numbers together and using a very conservative 4% annual increase in contract costs, by the end of the fifth year of the proposed contract the amount of money the Village of Lakewood would be subsidizing the Town of Busti for police services will total over \$ 570,000.00.

Adopted: 3 ayes, no nays, 1 abstention (Drago, Jablonski, Troche) (Denn)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Jablonski, that the claims as audited by the Auditing Committee of the abstracts dated March 11, 2013 be approved and that the Clerk shall execute said abstracts (#41 & #42) and direct payment by the Treasurer. General Fund: \$ 41,006.30, (Checks: #9415 thru #9457), Trust & Agency Fund: \$ 51,568.74, (Checks #2404 thru #2415)

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that in between snow events the crew has been busy performing preventative maintenance on all the equipment and doing odd jobs at the D.P.W. garage.

Trustee Drago indicated she was recently alerted to a situation by the owners of 8 Crescent St. involving a tree leaning dangerously across the road towards their house and respectfully asked Mr. Pilling if he could take a look at it.

Trustee Denn asked Mr. Pilling if the Village of Lakewood's annual brush pick-up has been scheduled.

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Mr. Pilling indicated to Trustee Drago that he will take a look at the tree across from 8 Crescent St. and informed Trustee Denn that the annual brush pick-up will start the first week of May.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered two thousand forty-nine reportable incidents year-to-date and that L-5, (2007 Ford Explorer) Sgt./Investigator Gustafson's vehicle, is presently out of service due to problems with its front wheel sensor bearings. Chief Bentley said because L-5 is one of the two vehicles that are going to be replaced by June he would prefer not to spend six hundred to a thousand dollars to repair it.

RECESS

Motion by Trustee Troche, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

PUBLIC HEARING – 6:45 PM PROPOSED LOCAL LAW #2-2013 PROPERTY TAX CAP OVERRIDE

Mayor Wordelmann opened the public hearing at 6:45 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper.

Mayor Wordelmann briefly explained the concept of the 2% property tax cap override law adding it is somewhat of a meaningless law the State of New York enacted. Mayor Wordelmann indicated most municipalities across the state enact the property tax cap law when there are no plans to use it. Mayor Wordelmann reminded everyone the local law deals with 2% of the tax levy, not 2% of spending.

Trustee Jablonski said the law is a bunch of smoke and mirrors by State Legislators which imposes additional unfunded mandates on local municipalities. Trustee Jablonski indicated the law costs us money and said it should be repealed.

With no else to be heard, Mayor Wordelmann closed the public hearing at 6:52 PM and proceeded to reopen the regular meeting of the Board of Trustees.

REPORTS (CONTINUED)

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to one hundred fifty-four alarms year-to-date. Chief Hallberg also reported that the fire department responded to two separate fire alarms last week for a structure fire at 215 Elmcrest Ave. Fire damage to the single family residence rendered it unsafe and therefore it had to be razed. Chief Hallberg said the Lakewood Volunteer Fire Department earlier today provided mutual aid to the Kiantone Fire Department while battling a house fire on the Warren-Jamestown Blvd.

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Mayor Wordelmann indicated he received a letter from the Chautauqua County Board of Elections which stated following next week's General Village Election the polling place for future Village Elections will move from the Busti-Lakewood Recreation Center to the Gloria Dei Lutheran Church. Mayor Wordelmann said although he has some objections to the move the Village of Lakewood doesn't have much say in the matter.

Keeping with the subject of General Village Elections, Mayor Wordelmann indicated that the Villages of Fredonia and Falconer have propositions on their ballots this March to change the date when General Village Elections are conducted from March to November. Mayor Wordelmann said if the Village of Lakewood were to follow suit, it could save up to a thousand dollars, which is the approximate cost to conduct an election. Mayor Wordelmann then asked Village Attorney Wright if he could look into the process to have a proposition on the ballot this November to change the time when General Village Elections are conducted in the Village of Lakewood from March to November.

Trustee Drago indicated in addition to saving money if village elections were held in November she believes there would be a much better voter turnout.

Trustee Troche said some people are confused about when they can vote during village elections and that some people miss being able to vote in the morning before they go to work. Trustee Troche agreed with Mayor Wordelmann that the Village of Lakewood should consider conducting village elections in November rather than March.

Mr. Anthony G. Barone, 103 Erie Street, said he would like to see village elections conducted as they are because voters are able to focus on local matters when they head to the polls adding it is worth the cost.

Trustee Troche said while campaigning this year he was surprised that about 90% of the people didn't know when the village election was.

Mr. David DiSalvo, 11.5 East Terrace Ave., a candidate for one of the Trustee positions that will be contested at next week's General Village Election, believes that changing the time when village elections are held from March to November would make it more convenient for voters and would encourage more people to vote.

Mr. DiSalvo indicated that the Village Clerk provided him with some information received from the New York State Conference of Mayors on the process to change the date of General Village Elections from March to November which indicated if the Board of Trustees wished to have a proposition on the ballot to do so this November, they would have to adopt a resolution by May.

Mayor Wordelmann said the process to change the date of village elections needs to be clarified and that is why he has asked Village Attorney Wright to look into the matter.

Building Inspector Smith indicated that he would like to explain the situation at 215 Elmcrest Ave., which was the scene of a structure fire the morning of March 3rd. Mr. Smith said the house is not insured and the owners are behind in payment of their property taxes. Once the fire investigation is completed, Mr. Smith said we'll need to formulate a plan and proceed on getting the demolished home and its contents hauled to the landfill. Mr. Smith implied the Village of Lakewood might have to incur some if not all the costs to do so.

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Building Inspector Smith wanted to let Mayor Wordelmann and members of the Board of Trustees know that Mr. James Rauh, president of S. Tabone Construction Co., Inc., Jamestown, New York, donated a track-hoe and an operator to raze the structure so the fire could be fully extinguished.

Changing subjects, Trustee Troche indicated to Building Inspector Smith that there is evidence of black mold above the side entrance to the Busti-Lakewood Recreation Center.

Building Inspector Smith indicated in New York State, the inspection of buildings owned by Townships are the responsibility of the Building Inspector employed by that particular Township regardless of its location.

Mayor Wordelmann asked Building Inspector Smith if he could check to see if any of the vehicles at 16.5 Olive Ave. are considered “junk vehicles” and to determine if there are any property maintenance violations with the property at 400 East Terrace Ave., the former Beechwood Country House restaurant.

CHAUTAUQUA COUNTY LEGISLATURE UPDATE

Chautauqua County Legislator P.J. Wendel, representing District #18, appeared before Mayor Wordelmann and the Board of Trustees to provide an overview of what is happening at the county legislature and to answer any question they might have.

Legislator Wendel indicated as most everyone knows Chautauqua County is dealing with the ongoing burden of the County Nursing Home in Dunkirk, N.Y. and at the present time Chautauqua County is seeking a new buyer. Although Altitude Health Services, owned by Mr. William Rothner, met all fourteen stipulations attached to its sale, it was voted down by the legislature. Chautauqua County is looking forward to selling the County Home and have begun to remarket the facility.

Legislator Wendel indicated Chautauqua County understands the problems associated with maintaining Chautauqua Lake and he along with other legislators have met with the Inter-Municipal Committee to consider the creation of a leader organization with respect to lake management. Legislator Wendel indicated that various organizations such as the Chautauqua Lake Association, Chautauqua Lake Management Committee, Chautauqua Watershed Conservancy and the Chautauqua Lake Partnership have been great stewards of the lake and its watershed. Some think by not having a single organization overseeing lake management, it may hinder chances to receive certain funding. Mr. Wendel said he and the other four legislators Mark Tarbrake, Fred Croscut, Vince Horrigan and Jay Gould, who represent districts that abut Chautauqua Lake are spearheading a bi-partisan effort to get the lake cleaned-up. Organizations must understand they have to give a little to get a little.

Legislator Wendel said it is important to attend a meeting of the county legislature if you wish to be heard. Although there is overwhelming evidence that the majority of county residents want Chautauqua County to sell the County Home, typically there are over twenty-five people in attendance in support of keeping the county home while there are only two or three people in attendance urging legislators to sell the county home. Mr. Wendel said if this issue comes up for a vote again, it will be very important for more people to attend the meeting and voice their support for the sale of the county home.

Legislator Wendel indicated that his district boundaries will change come next November when he will then be representing residents living in Lakewood as well as a part of the Town of Busti and part of the City of Jamestown.

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Trustee Troche asked Legislator Wendel if Chautauqua County released Mr. Rothner as the prospective buyer of the county home because he wanted to be released or because of some of the misinformation that came out.

Mr. Wendel said all he knows is that Mr. Rothner was released.

Village Attorney Wright indicated that the problem quite frankly is the north county doesn't have a facility like Lutheran Social Services or Heritage Village in terms of the whole spectrum of care and that is the value of the County Home with all the vacant land that went with it. It would have really served the north county well because that is what is needed.

Trustee Troche suggested to Legislator Wendel that nobody shows up at the meetings of the legislature because anyone that can add can figure out the county home should be sold. He asked how can legislators not see that.

Mayor Wordelmann asked Mr. Wendel what is the process as Chautauqua County goes forward with this issue.

Legislator Wendel said the Request For Proposal (RFP) is still out there and the home is continuously being marketed. There are brokers and marketing specialists out there looking for buyers and they receive no money until the county home is sold. It is a matter of public record that Chautauqua County can no longer afford the costs to keep the county home running. If nothing is done the county home will likely follow the same fate as Manor Oak nursing home and it will be closed.

Mayor Wordelmann indicated that he attended the Inter-Municipal Committee meeting on how to best manage Chautauqua Lake and its watershed. A new proposal was introduced which included strict regulations for municipalities to follow when issuing new building permits for properties within 1,000 feet of Chautauqua Lake. Mayor Wordelmann said it is his opinion if this proposal is adopted it could hamper new development.

Trustee Jablonski indicated the new proposal deals with site plan development as well as erosion control. This plan is a template however conditions will likely be different in a rural township than in a village and it would be up to the village to customize the plan for its own use.

Mayor Wordelmann said most local Supervisors and Mayors are tired of forty years of reports and plans on how to fix the lake but they are never implemented. The goal of the Inter-Municipal Committee is to have a workable plan in place by this summer so it may be implemented. Mayor Wordelmann said he and other members of the committee are very pleased with the progress being made.

RESOLUTION #100-2012-2013 – CHANGE IN FUTURE VILLAGE ELECTION POLLING PLACE

Motion by Trustee Jablonski, seconded by Trustee Troche that in response to a letter dated February 26, 2013 from the Chautauqua County Board of Elections, noting the polling place for all future village elections will be moved from the Busti-Lakewood Recreation Center, 9 West Summit Street to the Gloria Dei Lutheran Church, 35 West Fairmount Ave., the Board of Trustees hereby disagrees with the notion to relocate the current polling place for future village elections.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

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RESOLUTION #101-2012-2013 – APPROVE VEHICLE USE & PROCEDURE POLICY

Motion by Trustee Denn, seconded by Trustee Drago, for the Board of Trustees to approve the Vehicle Use & Procedure Policy as prepared by Trustee Denn, for vehicles owned and operated by the Village of Lakewood, New York.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #102-2012-2013 – ACCEPT RESIGNATION

Motion by Trustee Troche, seconded by Trustee Jablonski, for the Board of Trustees to accept the resignation of part-time Police Officer Mitchell J. Dudley, effective March 15, 2013. Mr. Dudley, who has worked as a part-time Police Officer for the Lakewood-Busti Police Department since June 26, 2012 has accepted a full time position with the Raleigh, NC Police Department.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #103-2012-2013 – AUTHORIZE INTERVIEWS & HIRING

Motion by Trustee Troche, seconded by Trustee Jablonski, authorizing Police Chief John R. Bentley to conduct interviews of prospective part-time Police Officer candidates and to make a recommendation to hire one of the candidates at a starting hourly wage of \$ 16.49.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #104-2012-2013 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Drago, seconded by Trustee Troche, authorizing Village Treasurer Andrea J. Windoft to make a mid-year budget transfer regarding an overage in the Police Department's line item for gasoline as follows: Transfer \$ 6,000.00 from Account #A3120.40, (Contractual) and \$ 5,000.00 from Account # A3120.43 (Vehicle Maintenance) into Account #A3120.42 (Gasoline).

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #105-2012-2013 – AUTHORIZE PREPARATION OF REQUEST FOR PROPOSAL

Motion by Trustee Denn, seconded by Trustee Troche, authorizing the Village Clerk to prepare a Request For Proposal (RFP) to design, construct and erect a new community advertising sign to replace the one located at the intersection of Chautauqua Ave. and West Fairmount Ave. (Rt. 394).

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

TRUSTEE REPORT

Trustee Jablonski indicated that he hereby raises an objection to Time Warner Cable raising its rates for the basic cable package by 13%. A \$ 2.00 monthly rate increase for the smallest cable package is unacceptable.

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RESOLUTION #106-2012-2013 – OBJECTION TO TIME WARNER CABLE RATE HIKE

Motion by Trustee Jablonski, seconded by Trustee Denn, for the Board of Trustees to object to Time Warner Cable's 13% increase in monthly rates for its basic cable package.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RECESS

Motion by Trustee Denn, seconded by Trustee Troche, to recess the regular meeting of the Board of Trustees at 7:29 PM, so as to enter into executive session to discuss details of the proposed police services contract/agreement between the Village of Lakewood and the Town of Busti.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee Susan A. Drago, Trustee John Jablonski, Trustee Joseph M. Troche and Village Attorney Edward P. Wright. Motion by Trustee Denn, seconded by Trustee Troche to adjourn the executive session and to reopen the regular meeting at 8:31 PM.

Motion by Trustee Troche, seconded by Trustee Denn, and unanimously carried the Board adjourned at 8:32 PM.

Joseph M. Johnson
Village Clerk