

MARCH 12, 2012

The twenty-third regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, March 12, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago, Susan G. Lane 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 and Fire Chief Kurt W. Hallberg. Absent was Building Inspector Charles L. Smith.

ANYONE TO BE HEARD

Village of Lakewood Historian Tony Barone appeared before Mayor David T. Wordelmann and the Board of Trustees to update them on the activities of the history committee. Mr. Barone said he is very pleased to announce that four (4) new history markers have been installed, three (3) along Chautauqua Ave. and one (1) at the corner of East Summit St. and Lakeview Ave. Mr. Barone also stated that the balance of the material in the museum was digitized this past Saturday by the group from the University of New York at Buffalo. He again wished to thank Lakewood Librarian Mrs. Mary Miller for her efforts in procuring the grant for the work done at the museum. Mr. Barone also indicated that he recently received a nice letter from Mr. & Mrs. Marcus C. Turner, 1 Maple Ave., regarding their gift of the antique anchor and chain to the Village of Lakewood. Mr. Barone also noted a sizable donation was received from Mr. & Mrs. Turner to help defray costs associated with the construction of an appropriate site to display the anchor.

Mr. Barone indicated he and members of the history committee are looking forward to August 11, 2012, which will be the 100th anniversary of the Packard Estate. The history committee is considering placing a commemorative plaque somewhere on the Packard Estate property recognizing its place in the history of the Village of Lakewood.

Mr. Barone then thanked Mayor Wordelmann for use of the additional room in the basement which will be utilized to showcase additional historical material and photo displays. Mr. Mickey Donner, a member of Lakewood High School class of 1950 has agreed to set-up a fund raising campaign and with the help of other classmates is expected to make a gift to the Lakewood History Museum.

Mr. Barone said he and the history committee are bouncing some ideas around to commemorate the lives of Mr. & Mrs. J.W. Packard and recognize the many philanthropic gestures they made over the years.

Mr. Barone then encouraged Mayor Wordelmann and members of the Board of Trustees to talk-up the Village of Lakewood seal contest and to distribute additional posters announcing the contest which ends at the end of March. It isn't about the \$ 300.00 prize from DFT Communications it is the legacy of having developed the official seal for the Village of Lakewood.

Mayor Wordelmann thanked Mr. Barone for all he is doing to promote Lakewood's storied past.

Mr. John Jablonski, 213 Spruce Street, asked Mayor Wordelmann if Shults Auto Group has submitted a storm water management plan in connection with their proposal to establish a new & used car lot and auto service center on Mall Blvd.

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Mayor Wordelmann indicated to Mr. Jablonski that because it is still unclear as to what auto dealership will be located at that site detailed plans for the project have not yet been submitted by Mr. Timothy Shults.

Mr. Sam Whitmore, 34 Ohio Ave., and owner of the Bag & String Wine Merchants, 119 Chautauqua Ave., appeared before Mayor Wordelmann and the Board of Trustees to let them know some Chautauqua Ave. merchants are getting together as a group to promote the small businesses along Chautauqua Ave.

He said their goal is to develop more foot traffic and to build a relationship with the Village of Lakewood to improve the communication regarding area events.

Mr. Whitmore went on to say he is working with a local developer to submit an offer on the former Wilson Farms convenient store property at 67 Chautauqua Ave. Half of the store would be occupied by his wine shop with the other half converted into a small market and deli. Mr. Whitmore wanted to see if members of the Board of Trustees would be receptive to his idea.

Mayor Wordelmann indicated to Mr. Whitmore anything done to occupy one of the "four corners" will be well received by this board and the community. Mayor Wordelmann told Mr. Whitmore if there is anything the Village of Lakewood can do to help, to please let him know.

Mr. Whitmore said the Chautauqua Ave. merchants would like for the Village of Lakewood to consider a new community sign at the intersection of Chautauqua Ave. and Rt. 394 and for it to include space to list the individual businesses along Chautauqua Ave. Mr. Whitmore said most if not all the businesses would be willing to share in the cost.

Mayor Wordelmann indicated to Mr. Whitmore that the sign he is referring to definitely needs to be replaced and suggested that the Town of Busti might wish to share in its cost.

Mr. P.J. Wendel, 20 Hern Ave. and Chautauqua County Legislator for District 18 appeared before Mayor Wordelmann and the Board of Trustees to bring them up to date on what is happening politically at the county level. The number one thing before the county legislature is deciding the fate of the Chautauqua County Nursing Home. A close second is the implementation of a new radio system which could cost anywhere between 15 and 28 million dollars. Legislator Wendel said the new radio system is currently out to bid.

Mr. Wendel said the establishment of new boundaries for the various legislative districts across the county is definitely going to be a challenge. A goal he has is to keep the 7,300 residents of the Town of Busti and Village of Lakewood within one legislative district. Legislator Wendel went on to say he would like to see some new businesses take root within the Stoneman Industrial Park.

Mr. Wendel said there is a push for new legislation to form a committee of citizens and local leaders to look further into ways in which municipalities can consolidate services.

Legislator Wendel said it is an honor representing the residents of District 18 and wished to thank everyone for their support.

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APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Lane, to approve the minutes of the last regular meeting of the Board of Trustees, held February 27, 2012.

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

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Denn, that the claims as audited by the Auditing Committee of the abstract dated March 12, 2012, be approved and that the Clerk shall execute said abstract and direct payment by the Treasurer. General Fund: \$ 84,352.67

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling said in reference to Legislator Wendel's comment concerning a push for new legislation to form a committee to look into new ways to share services between municipalities, an efficiency study was conducted last year at a cost of \$ 177,000.00, which revealed that village and township highway departments operated at a 94-98% efficiency rate. Mr. Pilling then reported that with the help of equipment and manpower from the Town of Busti, some downed trees and gravel bars have been removed from the section of Crescent Creek, between East Summit and the railroad tracks. Mr. Pilling then indicated he hopes to begin the creek erosion project between Locust St. and Elizabeth St. within the next two weeks. Mr. Pilling also reported that a recent water main break on Southland Ave., near the intersection of East Summit Street, revealed that the box culvert under Southland Ave. had collapsed. With help from the Chautauqua County Department of Public Facilities the collapsed concrete culver will be removed and replaced with a section of corrugated plastic pipe.

Trustee Gale Denn asked Mr. Pilling if he knew if Terrace Ave. was scheduled for striping this summer.

Mr. Pilling said although it was scheduled to be done last year the Chautauqua County Department of Public Facilities hopes to get to it this year. He added the county plans on resurfacing County Highway #110, (East Summit Street), from Shadyside Ave. east to Jackson Ave. in neighboring Celoron, N.Y.

Police Chief John R. Bentley said he is pleased to submit the Lakewood-Busti Police Department's 2011 Annual Report to Mayor Wordelmann and members of the Board of Trustees for their review and comment. Chief Bentley then reported that the Lakewood-Busti Police Department has answered two thousand four hundred twenty-two reportable incidents year-to-date and are keeping busy.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to one hundred seventy-two alarms year-to-date. Chief Hallberg indicated that each member of the Board of Trustees which acts as the Board of Fire Commissioners have been given a copy of the Lakewood Volunteer Fire Department's Annual Report for 2011. Chief Hallberg also reported that ambulance A-371 will be out of service until tomorrow.

Village Treasurer Andrea J. Windoft reported that the New York State Comptroller's Office has scheduled a "Risk Assessment" of the Village of Lakewood beginning Monday March 19th. She noted that a "risk assessment" is not considered to be a full and complete audit.

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Mayor Wordelmann indicated that the Village of Lakewood has given Ms. Tammy Magnuson, the proprietor of Yesterdays Bar/Tavern, 103 Chautauqua Ave., more than 30 days to remove the shed from the property and because the Village of Lakewood was promised it would be removed by today, he would like to recommend sending her a letter giving her 10 additional days to remove it or she and her business will be cited for not complying with the conditions/stipulations of the Special Use Permit she was issued.

Trustee Joseph M. Troche reminded Mayor Wordelmann that the committee to review the police services contract between the Village of Lakewood and the Town of Busti should begin meeting.

RESOLUTION #116-2011-2012 – APPROVE NEW PHONE SYSTEM & INTERNET CONTRACT

Motion by Trustee Troche, seconded by Trustee Drago to approve the contract with Windstream Communications regarding a new digital phone system and internet service for the Anthony C. Caprino Municipal Building and authorize Mayor David T. Wordelmann to execute same.

Adopted: 3 ayes, (Drago, Lane, Troche) 1 abstention (Denn)

RESOLUTION #117-2011-2012 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Troche, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to set 6:45 PM, Monday, March 26, 2012, as the time and date to conduct a public hearing on Local Law #1-2012, “Property Tax Cap Override”.

Mayor Wordelmann indicated that it has been recommended by the New York State Conference of Mayors for municipalities to adopt a local law with respect to the property tax cap override as a precaution in case the budget were to exceed the tax cap guidelines. Mayor Wordelmann went on to explain that the preliminary tentative budget is under the 2% tax cap levy legislation that was approved by the New York State Legislature in June of 2011, but it took some work. Trustee Denn said with increases in retirement system costs and with sales tax revenue down, he doesn't know how the Village of Lakewood can manage to keep under the 2% tax cap levy. Mayor Wordelmann said that only \$ 19,000.00 of the \$ 43,000.00 increase in New York State Retirement System payments may be exempted from the tax cap levy. The 2% of the tax levy is around \$ 32,000.00 and \$ 24,000.00 of that amount has already been used up by the increase in retirement system costs. Besides increased retirement system costs the Village of Lakewood must also endure increased costs for gasoline, health care and the collection and disposal of household garbage and recyclables. Mayor Wordelmann said factors that went into keeping the budget within the cap included a slight increase in sales tax revenue when compared with what was budgeted and an overall increase in the Village of Lakewood's assessment. Trustee Troche indicated Mayor Wordelmann has done a very good job in putting together the tentative budget and wished to make it clear that it is the intention of this Board to do everything possible to stay under the 2% tax cap levy.

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

RESOLUTION #118-2011-2012 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Denn, seconded by Trustee Troche, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to set 6:45 PM, Monday, April 2, 2012, as the time and date to conduct a public hearing on the Village of Lakewood's Tentative Budget for the fiscal year commencing June 1, 2012 and ending May 31, 2013.

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

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RESOLUTION #119-2011-2012 – APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION

Motion by Trustee Denn, seconded by Trustee Lane, for the Village of Lakewood to approve the issuance of a Negative Declaration in connection with a proposal by Shults Real Estate, LLC, 181 East Fairmount Ave., to establish a new and used car sales lot and auto service center on a 1.4 acre site at 90 Mall Blvd., as it pertains to compliance with the State Environmental Quality Review (SEQR) process.

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

RESOLUTION #120-2011-2012 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 4,125.00 from the General Fund savings account to the Bond & Coupon account for the interest payment on the public improvement serial bond due April 1, 2012.

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

RESOLUTION #121-2011-2012 – LEVYING OF UNPAID WATER BILLS ONTO TAX BILLS

Motion by Trustee Denn, seconded by Trustee Drago, to allow the Jamestown Board of Public Utilities to compile a list of unpaid water bills for properties within the Village of Lakewood and in turn authorize Village Treasurer Andrea J. Windoft to levy the unpaid amounts onto the 2012-2013 Village of Lakewood tax bill for the corresponding property.

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

RESOLUTION #122-2011-2012 – APPROVE LETTER OF SUPPORT

Motion by Trustee Troche, seconded by Trustee Lane, per the recommendation of Mayor David T. Wordelmann, for the Village of Lakewood to send a letter to the Empire State Development Agency in support of Chautauqua County's application to form a county-wide land bank.

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

RESOLUTION #123-2011-2012 – AUTHORIZE RE-BIDDING OF GARBAGE CONTRACT

Motion by Trustee Troche, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann, authorizing the Village of Lakewood to re-bid the Garbage Collection/Disposal & Recycling Contract, with slightly amended specifications. Bids will be received at the Office of the Village Clerk at or before 2:00 PM, Thursday, April 19, 2012.

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

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RESOLUTION #124-2011-2012 - DISPLAY SITE FOR HISTORIC ANCHOR

Motion by Trustee Lane, seconded by Trustee Denn, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to table any action on Village Historian Tony Barone's request for permission to display the historic anchor donated by Mr. & Mrs. Marcus C. Turner, 1 Maple Ave. at Richard O. Hartley Park until such a time members of the Board of Trustees have had a chance to decide on an appropriate location.

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

Motion by Trustee Denn, seconded by Trustee Troche, and unanimously carried, the Board adjourned at 7:18 PM.

Joseph M. Johnson
Village Clerk