

MARCH 26, 2012

The twenty-fourth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, March 26, 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, Deputy Village Treasurer Mary B. Currie, 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. Absent was Village Treasurer Andrea J. Windoft.

APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Denn, to approve the minutes of the last regular meeting of the Board of Trustees, held March 12, 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 26, 2012, be approved and that the Clerk shall execute said abstract and direct payment by the Treasurer. General Fund: \$ 51,052.94

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that for the past couple of weeks the D.P.W. crew has been involved in projects exemplifying the practice of shared services that included the clean-out of Crescent Creek, from East Summit St. to the railroad tracks with assistance from the Town of Busti and the removal of a old concrete culvert and subsequent installation of a new sluice pipe under Southland Ave. with the aid of equipment provided by the Chautauqua County Department of Public Facilities. Mr. Pilling also reported that the creek erosion project between Elizabeth St. and Locust St. is partially completed.

Mayor Wordelmann asked Mr. Pilling if there is any word on when the N.Y.S. Department of Transportation is expected to close Rt. 394 to install a new box culvert under the roadway.

Police Chief John R. Bentley indicated to Mayor Wordelmann and the Board of Trustees that he learned earlier today that the N.Y.S. D.O.T. expect to complete the work under Rt. 394 by Memorial Day.

Chief Bentley reported that the Lakewood-Busti Police Department has answered two thousand six hundred forty-six reportable incidents year-to-date. Chief Bentley also reported that he contacted the New York State Department of Environmental Conservation regarding the deer issue at the request of the Town of Busti Supervisor regarding a program that would allow licensed hunters to be issued extra permits when hunting in a specifically delineated area located just outside the village limits.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to one hundred ninety-eight alarms year-to-date. Chief Hallberg also reported that recently they experienced a couple maintenance problems, one with the 2006 Ford ambulance, the repairs of which cost \$ 1,700.00 while the 2003 American LaFrance heavy rescue was taken up to Cummins Northeast in Buffalo, N.Y., earlier today to have the bearings in its generator replaced.

MARCH 26, 2012 (CONTINUED)

Village Attorney Edward P. Wright reported that the Thomas A. Turner litigation is continuing and has moved to amend his federal law suit claim to state another cause of action in response to the Village of Lakewood's motion to dismiss the first amended complaint. He added they want the court to consider a second amended complaint. Mr. Wright indicated that the attorney representing the Village of Lakewood's insurance company will be answering that.

Mayor Wordelmann asked Mr. Wright if this legal action will ever end.

Village Attorney Wright indicated this matter is nearing its end.

At the request of Trustee Denn, Mr. Wright brought he, Mayor Wordelmann and the other members of the Board of Trustees up to speed with the ongoing law suits that Mr. & Mrs. Thomas A. Turner, 33 East Lake Street, have filed against the Village of Lakewood.

RESOLUTION #125-2011-2012 – APPROVE STOP-DWI AGREEMENT

Motion by Trustee Troche, seconded by Trustee Lane, to approve the STOP-DWI Agreement between the Village of Lakewood and Chautauqua County and to authorize Mayor Wordelmann to execute same. The term of this agreement runs from January 1, 2011 – December 31, 2015.
Adopted: 4 ayes, no nays (Denn, Drago, Lane, Troche)

RESOLUTION #126-2011-2012 – AUTHORIZE HIRING OF SEASONAL EMPLOYEE

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Department of Public Works Supervisor Thomas R. Pilling to hire a seasonal employee for the Public Works Department. The start date for the new employee will be Wednesday, April 4, 2012.
Adopted: 4 ayes, no nays (Denn, Drago, Lane, Troche)

RESOLUTION #127-2011-2012 – APPROVE NEW MEMBERS OF THE LAKEWOOD FIRE DEPT.

Motion by Trustee Troche, seconded by Trustee Lane, for the Board of Trustees acting as the Board of Fire Commissioners, to approve Gretchen Wiggers, 4731 Baker St. Ext. and Christine Silk, 9 Alta Way, as new members of the Lakewood Volunteer Fire Department
Adopted: 4 ayes, no nays (Denn, Drago, Lane, Troche)

RECESS

Motion by Trustee Lane, seconded by Trustee Denn, 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, Lane, Troche)

MARCH 26, 2012 (CONTINUED)

PUBLIC HEARING – 6:45 PM
LOCAL LAW #1-2012
“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 official newspaper of the Village of Lakewood.

Mayor David T. Wordelmann indicated to those present that the Tentative Village Budget for the upcoming fiscal year as prepared is below the 2% tax cap limit. Mayor Wordelmann wanted to make it clear that the Board of Trustees has no intention of overriding the 2% tax cap limit. The New York State Conference of Mayors and New York State Comptroller’s Office recommends that municipalities adopt a local law to override the 2% tax cap limit as a precautionary or “fail safe” measure. Mayor Wordelmann indicated the formula used to calculate the acceptable tax cap level was very complicated. Mayor Wordelmann said we as a municipal board has done its homework and done it right.

Trustee Denn said a significant hurdle in trying to comply with the tax cap law is the ever increasing retirement system costs.

Mayor Wordelmann said instead of New York State getting their own house in order, they have passed a law which requires municipalities across the state to limit their spending. Mayor Wordelmann stressed that the new law is not a tax cap, but rather a cap on the tax levy for each municipality or school district. The Village of Lakewood’s tax levy last year was 1.6 million. Two percent of that amount equals approximately \$ 32,000.00, which is the amount the Village of Lakewood may by right raise via taxes. The tax levy for the year went up by 2.6%, however less qualifying exemptions, the tax levy will increase only 1.7%. Mayor Wordelmann said the whole tax cap law is skewed in that New York City doesn’t have to adhere to it.

Trustee Troche indicated that the new tax cap levy law is very unique in that New York State adopts legislation and then they tell you ways how to get around the law. Trustee Troche said doesn’t understand the purpose of the law.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 6:57 PM, and proceeded to reopen the regular meeting of the Board of Trustees.

RESOLUTION #128-2011-2012 – ADOPT LOCAL LAW #1-2012

Motion by Trustee Denn, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to adopt Local Law #1-2012, “Property Tax Cap Override”, authorizing a property tax levy in excess of the limit established in General Municipal Law 3-c, to allow the Village of Lakewood to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-c.
Adopted: 4 ayes, no nays (Denn, Drago, Lane, Troche)

MARCH 26, 2012 (CONTINUED)

RESOLUTION #129-2011-2012 – APPROVE DOCK PERMITS FOR 2012

Motion by Trustee Troche, seconded by Trustee Lane, to approve the following dock permit applications for 2012: Lowe Street, as submitted by David & Denise Doane, 127 Erie Street, Glenwood Ave., as submitted by Jeff Rog and Jeff Weemhoff, 158 & 159 East Terrace Ave. and Pleasantview Ave., as submitted by Eric Steinbrenner, 5 Pleasantview Ave.

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

RESOLUTION #130-2011-2012 – TABLE ACTION ON EXTERIOR PAINTING QUOTES

Motion by Trustee Denn, seconded by Trustee Troche, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to table any action on the quotes for the exterior painting of the Anthony C. Caprino Municipal Building, as received from Painting Unlimited of Jamestown, Inc., Jamestown, N.Y. [\$20,800.00] and IC Construction Services, Inc., Orchard Park, N.Y., [\$21,000.00]. Mayor Wordelmann said because the two quotes were more expensive than expected, he suggested that the Village of Lakewood look at and consider other options with respect to this painting project.

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

Motion by Trustee Troche, seconded by Trustee Drago, and unanimously carried, the Board adjourned at 7:01 PM.

Joseph M. Johnson
Village Clerk