

APRIL 23, 2012

The third regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, April 23, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago, John Jablonski, III 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.

ANNOUNCE VILLAGE SEAL CONTEST WINNER

Mayor David T. Wordelmann was pleased to announce that the winning entry in the Village Seal Contest has been chosen and the winner is Mr. Bruce Bradford. Mr. Bradford who grew up in Lakewood now enjoys seasonal residences in Westfield, N.Y. and Georgetown, Texas. Also in attendance is Ms. Ellen M. Ditonto, representing DFT Communications, the contest's co-sponsor. Mayor Wordelmann said DFT Communications will be awarding Mr. Bradford a \$ 300.00 gift card which is very generous of them. Mayor Wordelmann wished to thank Mr. Bradford for his wonderful entry, Mr. Anthony G. Barone, Village Historian for overseeing the contest and Mr. Dan Siracuse and Ms. Ellen M. Ditonto, of DFT Communications for their generosity in co-sponsoring the Village Seal Contest.

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 April 9, 2012.
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, 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 April 23, 2012, be approved and that the Clerk shall execute said abstracts (#48 & #49) and direct payment by the Treasurer. General Fund: \$ 31,819.27, (Check #8406 thru #8430), Trust & Agency Fund: \$ 49,032.06, (Check #1946 thru #1962)
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling respectfully requests the Board of Trustees' approval to spend up to \$ 6,000.00 to color seal the new pickleball courts on Linwood Ave.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered three thousand six hundred thirty-seven reportable incidents year-to-date. Chief Bentley said he and his officers are wrapping-up the investigation involving a recent metal theft.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to two hundred thirty-nine alarms year-to-date. Chief Hallberg also reported that there are still problems with the 2006 Ford ambulance, but are hopeful it will be back in service by this Wednesday.

APRIL 23, 2012 (CONTINUED)

Trustee Denn asked Village Attorney Wright if there was anything new to report regarding the process of possibly transferring a portion of the Gerald Ave. right-of-way to an abutting property owner.

Village Attorney Wright indicated that Assessor Randall G. Holcomb has established a fair and equitable price for the desired portion of the Gerald Ave. right-of-way and it was my understanding Mayor Wordelmann was going to talk to the interested party to see if she was going to agree to the price of the land plus any recording costs. Mr. Wright said if the interested party was agreeable with the cost then the Village of Lakewood would then set-up a public hearing on the abandonment of that section of Gerald Ave.

Mayor Wordelmann said he will contact Ms. Kathleen Whitmore, 2 Gerald Ave., to further discuss this matter.

Trustee Troche suggested contacting the attorney the Village of Lakewood received correspondence from relative to an issue his client had with Ms. Whitmore before the Village of Lakewood finalizes a deal with her.

Mr. Wright said he would be happy to contact Mark L. Bargar, Esq., to see if he would be willing to attend the next regular Board of Trustees meeting to discuss his client's concern's.

Village Treasurer Andrea J. Windoft reported she has distributed final copies of the proposed budget to members of the Board of Trustees and department heads. Mrs. Windoft also reported she will be putting together some sample policies relative to on-line banking, computer issues, code of ethics, etc., for review by the Board of Trustees, per the suggestion of the auditor from the State Comptroller's Office who conducted the recent risk assessment audit. Village Treasurer Windoft also reported that she received an e-mail from Ms. Ellen M. Ditonto, from DFT Communications, which she forwarded to each member of the Board of Trustees, regarding available grant money, (\$ 25,000.00 plus or minus) that Chautauqua County has in its coffers, who more or less is waiting to award it to the Village of Lakewood to be put towards the purchase of a new fiber optic computer communication connection. Village Treasurer Windoft stressed that she needs to get back to Ms. Ditonto as soon as possible concerning this matter.

Trustee Troche asked Building Inspector Charles L. Smith if the height of the new house being built at 1 Maple Street complied with the local zoning law.

Building Inspector Smith said the height is 27 ft. which is three feet less than the maximum structure height allowed in that district. Mr. Smith did say the contractor was forced to raise the foundation to comply with the floodplain regulations and therefore the house appears to be higher than 30 ft.

RESOLUTION #14-2012-2013 – APPROVE FUNDING FOR COLOR SEAL PROJECT

Motion by Trustee Troche, seconded by Trustee Drago, authorizing Department of Public Works Supervisor Thomas R. Pilling to spend up to \$ 6,000.00 to color seal the new pickleball courts on Linwood Ave.

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

APRIL 23, 2012 (CONTINUED)

GARBAGE/RECYCLING BID DISCUSSION

Mayor Wordelmann and the Board of Trustees talked at length with Mr. John Penhollow, President of Penhollow Disposal Services and Mr. John Beichner, a representative from Casella Waste Management of W.N.Y., Inc about different ideas and options with respect to setting up a central recycling facility along Packard Ave. by June 1, 2012.

RESOLUTION #15-2012-2013 – ACCEPT LOW BID FOR GARBAGE COLLECTION/DISPOSAL

Motion by Trustee Denn, seconded by Trustee Troche, per the recommendation of Mayor Wordelmann, for the Village of Lakewood to accept the low bid of \$ 351,000.00 as submitted by Penhollow Disposal Service, Sinclairville, N.Y., for the collection and disposal of household garbage for a period of three (3) years, commencing June 1, 2012. Trustee Troche said by accepting this bid the Village of Lakewood will be saving \$ 70,000.00 over three years and it is a good deal for the Village of Lakewood. Trustee Jablonski questioned whether setting-up a recycling center would need to be reviewed under SEQR, (State Environmental Quality Review) regulations and by accepting this bid suggested that it would have a significant impact on the environment because residents would likely recycle less. Trustee Jablonski said another reason he can not support this resolution is because he is not seeing the savings between bid b and c. Trustee Jablonski said he does however support the acceptance of the three year bid versus the one year bid.

Adopted: 3 ayes, 1 nay (Denn, Drago, Troche), (Jablonski)

RESOLUTION #16-2012-2013 – APPROVE BUDGET ADJUSTMENT

Motion by Trustee Denn, seconded by Trustee Troche, per the recommendation of Mayor Wordelmann for the Board of Trustees to approve the following budget adjustments: lower the dollar amount in account A8160.40 [Refuse Collection & Disposal], from \$ 165,000.00 to \$ 130,000.00. By doing so will reduce the tax levy from \$ 1,692,958.00 to \$ 1,667,958.00. Drop the appropriated fund balance to \$ 125,000.00. By reducing the tax levy by \$ 25,000.00 will reduce the tax rate from \$ 7.345/1,000 assessed value to \$ 7.230/1,000 assessed value. Some discussion ensued between Mayor Wordelmann, Village Treasurer Windoft and Village Attorney Wright about accounting for revenue (\$ 26,821.00) from the P.I.L.O.T. payment to be received in June 2012, from Widewaters – Lakewood Village Center, LLC, Dewitt, New York.

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

RESOLUTION #17-2012-2013 – AUTHORIZE CONSOLIDATION OF TRUST & AGENCY ACCOUNTS

Motion by Trustee Troche, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to close two (2) Trust & Agency Savings Accounts and consolidate them into a single account per the recommendation of the Office of the State Comptroller.

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

APRIL 23, 2012 (CONTINUED)

RESOLUTION #18-2012-2013 – AUTHORIZE FIRE SHOW ATTENDANCE

Motion by Trustee Troche, seconded by Trustee Drago, that the Board of Trustees acting as the Board of Fire Commissioners, authorize Fire Chief Kurt W. Hallberg to attend the Lancaster County Fire Show in Harrisburg, PA May 16th – May 20th. Chief Hallberg shall be reimbursed for any and all legal expenses incurred.

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

RESOLUTION #19-2012-2013 – AUTHORIZE HAZ-MAT CONFERENCE ATTENDANCE

Motion by Trustee Denn, seconded by Trustee Troche, that the Board of Trustees acting as the Board of Fire Commissioners, authorize Lakewood Fire Department member Daniel Imfeld to attend the annual Hazardous-Materials Conference in Hunt Valley, Maryland, May 16th – May 20th. Mr. Imfeld shall be reimbursed for any and all legal expenses incurred.

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

RESOLUTION #20-2012-2013 – CONFIRM APPOINTMENT OF SEASONAL LABORER

Motion by Trustee Troche, seconded by Trustee Drago, to confirm the appointment of Gregory L. Card, Ashville, N.Y., as a seasonal laborer for the Parks Department with an effective date of hire retroactive to April 9, 2012. Mr. Card will be compensated at a rate of \$ 13.50/hr.

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

RESOLUTION #21-2012-2013 – AUTHORIZE LOCAL GOV'T. CONFERENCE ATTENDANCE

Motion by Trustee Troche, seconded by trustee Drago, authorizing members of the Board of Trustees, Planning Board and the Zoning Board of Appeals to attend the Southern Tier-West Local Government Conference, to be held at Houghton College, Wednesday, May 9, 2012.

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

RESOLUTION #22-2012-2013 – APPROVE 2012 DOCK PERMIT APPLICATIONS

Motion by Trustee Troche, seconded by Trustee Jablonski, to approve the following dock permit applications for 2012: Gifford Ave., as submitted by John T. Hickey, 147 West Summit Street and Woodlawn Ave., as submitted by Todd W. Anderson, 180 Front Street.

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

RESOLUTION #23-2012-2013 – AUTHORIZE THE CLERK TO SEEK INSURANCE QUOTES

Motion by Trustee Troche, seconded by Trustee Drago, authorizing Village Clerk Joseph M. Johnson to seek quotes on the Village of Lakewood's general liability, auto and umbrella insurance policy package for the period commencing September 25, 2012.

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

APRIL 23, 2012 (CONTINUED)

RESOLUTION #24-2012-2013 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Village Treasurer Andrea J. Windoft to transfer the end balance of \$ 1,723.06 in Account A-7140.11, [Lifeguard Salaries], into Account A-7140.40, [Parks Department Salaries].

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

RESOLUTION #25-2012-2013 – AUTHORIZE HGWY. SUPERINTENDENTS SCHOOL ATTENDANCE

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Department of Public Works Supervisor Thomas R. Pilling to attend the New York State Highway Superintendents School to be held in Ithaca, New York, June 10th thru June 13th. D.P.W. Supervisor Pilling will be reimbursed for any and all legal expenses incurred.

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

MAYOR'S REPORT

Mayor Wordelmann indicated there are a few projects facing the Village of Lakewood which include the Anthony C. Caprino Community Building exterior painting project, public dock, widen a few of the garage doors at the D.P.W. garage, new community sign at the intersection of Chautauqua Ave. and West Fairmount Ave., new exercise equipment for the police/fire work-out area, new power stretcher for the fire department, and new village entrance signs. Mayor Wordelmann said he and the Board of Trustees will need to prioritize the "to do" list and ultimately determine how much of the fund balance at the end of the current fiscal year can be spent. Mayor Wordelmann suggested that he and available members of the Board of Trustees meet with Mr. Pilling at Richard O. Hartley Park, 4:00 PM, Wednesday, April 25th to review public boating dock options and then to move onto the D.P.W. garage to assess what needs to be done to widen some of the garage doorways so as to better accommodate larger trucks. Mayor Wordelmann said the auditor from the Office of the State Comptroller suggested that the Village of Lakewood spend some of its money in the appropriated fund balance.

Trustee Denn indicated the amount of money in the appropriated fund balance is a reasonable amount considering the fluctuating amounts received via sales tax revenue and in the case of any unanticipated emergencies.

RESOLUTION #26-2012-2013 – ACCEPT OFFICIAL SEAL

Motion by Trustee Denn, seconded by Trustee Troche, for the Board of Trustees to accept the design by Mr. Bruce Bradford, as the Village of Lakewood's official seal.

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

Police Chief John R. Bentley respectfully asked Mayor Wordelmann if he and the Board of Trustees could enter into a brief executive session so as to discuss a personnel matter.

APRIL 23, 2012 (CONTINUED)

RECESS

Motion by Trustee Denn, seconded by Trustee Troche, to recess the regular meeting of the Board of Trustees at 7:47 PM, so as to enter into executive session to discuss a personnel matter.

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 F. Drago, Trustee John Jablonski, III, Trustee Joseph M. Troche, Village Attorney Edward P. Wright and Police Chief John R. Bentley. Motion by Trustee Troche, seconded by Trustee Denn, to adjourn the executive session at 8:26 PM and to reopen the regular meeting of the Board of Trustees.

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

Motion by Trustee Denn, seconded by Trustee Troche, and unanimously carried the Board adjourned at 8:27 PM.

Joseph M. Johnson
Village Clerk