

MAY 11, 2015

The twenty-seventh regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, May 11, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were David J. Di Salvo, Susan F. Drago, and John Jablonski. Also present were Village Clerk Joseph M. Johnson, 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 Jeffrey A. Swanson. Absent were Trustee Gale A. Denn and Village Treasurer Andrea J. Windoft.

#### APPROVAL OF MINUTES

Motion by Trustee Jablonski, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held April 27, 2015.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

#### AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated April 30, 2015 and May 11, 2015 be approved and that the Clerk shall execute said abstracts (#52, #16, #53 & #54) and direct payment by the Treasurer. End of Month General Fund: \$16,305.74, (Checks #11651 thru #11653), Capital Fund: \$ 4,852.06, (Checks #11654 thru #11656), Trust & Agency Fund: \$ 51,604.10, (Checks #3333 thru #3334), General Fund: \$ 61,026.24, (Checks #11657 thru #11706)

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling thanked the Women's Club of Lakewood, the Local Community Development Corporation and area residents who participated in the Community Clean-Up day this past Saturday, in sprucing up Chautauqua Ave. Mr. Pilling then reported that he met with an Engineer from Chautauqua County who suggested that the sidewalk and curbing project being proposed for the west side of Mall Blvd. be done in phases. If the Village of Lakewood would like to improve its storm water collection and drainage system along Mall Blvd. a storm water flow study will need to be carried out. Mr. Pilling also reported that the annual brush pick-up was completed last Thursday, which generated sixty tandem axel dump truck loads of material. He then indicated that the DPW crew will soon be starting a couple of drainage projects, one within the alleyway off East Second Street and the other along the east side of Richard O. Hartley Park.

Mr. Pilling indicated that Sivak Stonemasonry, Bemus Point, N.Y., prepared an estimate in the amount of \$ 1,500.00 to clean and make some repairs to the brick wall at Recognition Park, and wondered what budget to pay the invoice from. Mr. Pilling said he would like a "heads-up" on projects such as this so he may work them into his budget.

Trustee Di Salvo indicated a potential project associated with the brick wall

at Recognition Park is to repair the walls' capstone. If the capstone issue is not addressed the wall will continue to take in water and fall in disrepair. The question becomes does the Village of Lakewood first clean and repair the wall or repair the capstone.

Mr. Ted McCague, 12 Park Lane, indicated the capstone on all three wall sections is cracked, and although it isn't good that water is getting into wall, the quote that Mr. Pilling referred to is clean the wall and patio and repair some damaged mortar joints on the wall.

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D.P.W. Supervisor Pilling continued his report by saying he procured three quotes for a 21 ft., 14,000 GVW heavy equipment trailer, and would like permission to purchase it at the low quote price of \$7,310.00, as received from Southern Tier Trailer & Sales, Jamestown, N.Y.

Trustee Di Salvo, referencing an e-mail, asked what is the situation between Dr. Robert W. Scott and his neighbor regarding the continual stockpiling of yard waste next to Dr. Scott's driveway apron. Trustee Di Salvo said noticing the yard waste when he recently drove by Dr. Scott's residence thought it was just a case of it being missed during brush pick-up week. He now understands that Dr. Scott's neighbor makes use of the property immediately east of his driveway as a dump site for yard waste.

Trustee Drago indicated that Dr. Scott as a resident and taxpayer needs our help in trying to remedy the situation. Does someone need go down and knock on the door of Dr. Scott's neighbor and remind them of the brush and yard waste pick-up rules?

Trustee Di Salvo asked what do we need to do, adopt a local law regarding this problem.

Village Attorney Wright said he can't think of anything specific in the property maintenance code that would apply to this situation.

Building Inspector Swanson said he would be happy to look into New York State Property Maintenance Code to see if there is something enforceable that relates to this particular matter.

Mayor Wordelmann indicated that the Village of Lakewood should look into a nuisance property law that the City of Jamestown is considering.

Trustee Drago asked Mr. Pilling how close does the street sweeper get to the curb and how often are the streets swept.

Mr. Pilling said it is difficult to sweep up to the curb on Chautauqua Ave. because there are usually a few cars parked in the way.

Trustee Jablonski indicated to Mr. Pilling that he received a phone call from a local businessman, asking if the pot holes at the community boat launch could be filled.

Mr. Pilling said the pot holes at the boat launch will be filled as soon as the D.P.W. crew has some extra hot mix macadam.

Mr. Richard Rose, Chairman of the Tree Committee asked Mr. Pilling if when speaking with the Engineer from Chautauqua County about the sidewalk and curbing project, did he have a chance to discuss the possibility of including some trees along the west side of Mall Blvd.

Mr. Pilling said he didn't bring up trees, but they did discuss the possibility of creating some swales between the proposed sidewalk and curbing to temporarily store some storm water during rain events.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to four thousand one hundred eighty reportable incidents year-to-date. Chief Bentley said shortly after the last Village Board meeting during which there was some discussion about body cameras, a federal grant became available regarding their purchase. Law enforcement agencies throughout Chautauqua County along with the District Attorney's Office plan to jointly apply for some of the \$ 200,000,000.00 available nationwide through this grant. Grant writers from Fredonia State have agreed to assist in applying for this grant.

Mayor Wordelmann indicated one of the seminars he attended at NYCOM'S recent Annual Meeting in Saratoga Springs focused on the use of tazers and body cameras.

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One of the speakers was the Police Chief from the City of Saratoga Springs who indicated they currently make use of twenty body cameras. Mayor Wordelmann said if the Village of Lakewood should one day purchase body cameras, we should reach out to the Saratoga Springs Police Department for some pros and cons regarding their use.

Chief Bentley said he expects to get some recommendations from other Police Chiefs across New York State regarding the use of body cameras and eventually determine what policy will best fit this jurisdiction. In pricing the body cameras out, Chief Bentley said he could outfit the Lakewood-Busti Police Department for about \$12,000.00.

Mayor Wordelmann said the Saratoga Springs Police Department has opted to turn off their body cameras during domestic disputes due to privacy issues.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to three hundred twelve alarms year-to-date, including twenty-nine since the last meeting of the Board of Trustees. Chief Hallberg indicated one of the alarms was for gentleman who overturned a row boat off Park Lane. Chief Hallberg thanked Mr. Ted McCague, 12 Park Lane, who was the first person on the scene and assisted the man to shore.

Mayor Wordelmann asked Chief Hallberg how exactly does the Lakewood Fire Department respond to a lake rescue without the benefit of a rescue boat.

Chief Hallberg indicated the Ashville Fire Department, Celoron Fire Department and the Bemus Point Fire Department are automatically dispatched to respond to a lake rescue in our fire district. Chief Hallberg also reported earlier today the Lakewood Fire Department responded to a structure fire on Big Tree Road which was caused by a lightning strike. The lightning

impacted three separate structures. Chief Hallberg said Chief Bentley along with L-BPD Officers Riley and Conti plus a NYS Trooper were on the scene assisting when he arrived.

Mr. McCague said he was on the lake when his wife called 911 to report a man overboard, and within two minutes of hearing the siren, two L-BPD Officers and members of the LFD were on the scene. Mr. McCague said he was impressed by the quick response and everyone involved did a great job.

Building Inspector Jeffrey A. Swanson said Chief Hallberg and members of the Lakewood Fire Department did an unbelievable job in response to the structure fire on the Big Tree Road earlier today.

Mr. Swanson reported that he has been working on a number of property maintenance issues and sent out a few Notices to Remedy last week. Mr. Swanson said spring weather triggers building projects, but unfortunately some individuals filling out building permit applications are not providing enough information. Mr. Swanson said he needs to find a way to make residents and contractors alike more aware of what information is required on a building permit application.

Trustee Di Salvo respectfully asked Building Swanson when he gets the chance, to provide him with a list of those properties cited and also the status of the enforcement process as it moves forward. Trustee Di Salvo then asked if one of the Notices to Remedy was sent to 27 Ohio Ave.

Mr. Swanson said a notice was sent to the owner of 27 Ohio Ave. for the fact that he considers the condition of the front porch as unsafe. Mr. Swanson said he is presently doing everything he can in trying to keep ahead of the various property maintenance issues out there.

Trustee Di Salvo then asked Mr. Swanson what is the latest status of a proposal to reopen the former Beechwood Restaurant, 400 East Terrace Ave., as a new restaurant. Everyday there seems to be another car, truck or recreational vehicle on site. It is a real mess.

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Mr. Swanson indicated to Trustee Di Salvo that all the vehicles that appear at 400 East Terrace Ave. are registered. He did suggest to Mr. & Mrs. Charles Pratt, owners of the property, it would be nice for them to attend a future Board of Trustees meeting in order to explain their proposal and to provide a timetable for when the new restaurant plans to open.

Trustee Di Salvo said the property at 400 East Terrace Ave. represents a gateway to the community and unfortunately it is a mess.

Ms. Cara Birrittieri, 15 Sunset Ave., asked Mr. Swanson if the old, unsightly sign at the corner of Fairdale Ave. and East Terrace Ave. complies with the local zoning law.

Ms. Susan Lane, 188 East Terrace Ave., said speaking of signs, asked Mr. Swanson if he could take a look at the sign the YWCA has hung on the fence across from her house.

Mr. Swanson indicated to Ms. Birrittieri and Ms. Lane he would be happy to look into their sign questions.

#### COMMITTEE REPORTS

Mr. Ted McCague, Chairman of the Comprehensive Plan Steering Committee, reported the process is moving forward and that focus groups, by invitation only, will be meeting with representatives from Peter J. Smith & Company, Inc. this Thursday at either the 3:30 PM session or the 5:30 PM session. Mr. McCague indicated the first community or public forum on the comprehensive plan process will take place at 7:00 PM, Wednesday, June 24<sup>th</sup> at the Gloria Dei Lutheran Church.

#### ANYONE TO BE HEARD

Mr. William F. Chandler, 207 West Summit St., indicated he is a member of the South and Center Chautauqua Lake Sewer Districts Board and noted when they have been asked to become a member of an organization, such as the membership invitation the Village of Lakewood received earlier this evening from the Chautauqua Lake & Watershed Management Alliance, their legal counsel has suggested not to become a member, but rather pledge financial support instead.

Village Attorney Wright said he has asked the sewer district's legal counsel if that was a law or a policy but hasn't received an answer yet.

Mr. Chandler also reported that the quarterly sewer user fees for Village of Lakewood residents are expected to increase in August 2015.

#### MAYOR'S REPORT

Mayor Wordelmann indicated he had the pleasure of attending the New York State Conference of Mayors & Municipal Officials Annual Meeting in Saratoga Springs recently and had the chance of participating in some interesting seminars and visiting with various vendors. Mayor Wordelmann indicated that one of the vendors at the meeting made a presentation on converting current street lighting into LED (Light Emitting Diode) lighting, wherein the existing fixtures would be changed out to LED light fixtures, saving both energy and money for the municipality. Mayor Wordelmann said he hopes to meet with the vendor sometime in the near future to further discuss the idea.

Mayor Wordelmann said, believe it or not, one of the seminars he attended was on planning and vision sessions. One of the speakers on the subject was the Mayor from Williamsville who is doing some innovative things to bring development and growth to the Village of Williamsville.

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Another seminar Mayor Wordelmann attended was titled Young Professionals Unplugged, which was given by a group of millennials from the Albany area, who introduced ways to attract young professionals back into the smaller communities.

Mayor Wordelmann said the Annual Meeting in Saratoga Springs was worthwhile and is thankful he was able to attend.

Trustee Jablonski indicated that he recently read an article where electric companies are trying to block efforts by municipalities to convert their existing street lighting to LED fixtures, saying the Village of Lakewood should go on record supporting New York State legislation which will allow municipalities to do so. Trustee Jablonski said the Village of Lakewood should contact our NYS representatives asking for their support on this particular piece of legislation before the Assembly and Senate.

RESOLUTION #135-2014-2015 - ASKING FOR SUPPORT ON PENDING NYS LEGISLATION

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, for the Village of Lakewood to write letters to Senator Catherine M. Young and Assemblyman Andrew W. Goodell asking for their support on legislation before the Senate and Assembly which would allow municipalities to convert their street lighting fixtures to LED (Light Emitting Diode) fixtures as a means to save both money and energy.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #136-2014-2015 - AUTHORIZE TRAILER PURCHASE BY THE D.P.W.

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, authorizing Department of Public Works Supervisor Thomas R. Pilling to purchase a new 21 ft., 14,000 GVW heavy equipment trailer from Southern Tier Trailer & Sales, Jamestown, New York, at a cost of \$ 7,310.00.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #137-2014-2015 - APPROVE GARBAGE/RECYCLING CONTRACT AGREEMENT

Motion by Trustee Di Salvo, seconded by Trustee Drago, to approve the Contract Agreement between the Village of Lakewood and Bestway Disposal Service, Fredonia, New York, regarding the collection of household garbage and recyclables for a three (3) year term commencing June 1, 2015 and to authorize

Mayor David T. Wordelmann to execute same.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #138-2014-2015 - MANAGEMENT OF SUMMERFEST EXPENSES & REVENUES

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J. Windoft to oversee the revenues and expenses for the 2015 4<sup>th</sup> of July Festival/Summerfest to be held Saturday, July 4, 2015. NOTE: All expenses shall be paid from the General Fund Account A-7550.40 and all revenues received shall be deposited into the Trust & Agency Account T-1093.40. Invoices paid from donations will be processed as any other claim and will be subject to approval by the Auditing Committee.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

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RESOLUTION #139-2014-2015 - POSTPONE NEXT REGULAR BOARD OF TRUSTEES MEETING

Motion by Trustee Di Salvo, seconded by Trustee Drago, that due to the upcoming Memorial Day Holiday, to postpone the next regular meeting of the Board of Trustees, previously scheduled for Monday, May 25, 2015 until Tuesday, May 26, 2015.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #140-2014-2015 - AUTHORIZE MID-YEAR BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to make mid-year budget transfers due to overages in two salary accounts. Transfer a total of \$ 6,597.84 from Account A-5142.11 (Snow Overtime) and Account A-5142.40 (Snow Contractual) into Account A-5142.10 (Snow Salaries) and transfer \$ 1,000.00 from Account A-3120.12 (Police Salaries Part Time) into Account A-3120.11 (Police Salaries).

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #141-2014-2015 - AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to make a mid-year budget transfer of \$ 3,030.00 from Account A-9015.80 (Police Retirement) into the new Planning Account A-8020.40.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #142-2014-2015 - APPROVE 2015 DOCK PERMIT APPLICATION

Motion by Trustee Jablonski, seconded by Trustee Drago, to approve the 2015 dock permit application as submitted by Dr. Albert Persia, 74 East Terrace Ave., for the Maple Ave. right-of-way, with the condition that the tee of the dock does not extend outside the width of the right-of-way.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #143-2014-2015 - AUTHORIZE SEMINAR ATTENDANCE

Motion by Trustee Jablonski, seconded by Trustee Drago, authorizing Building Inspector Jeffrey A. Swanson to attend an Asbestos Assessment Training seminar, to be held in Blasdell, New York, sometime in June 2015. The cost of the seminar (\$375.00) is to be shared equally between the Village of Lakewood and the Town of Busti. Also, Mr. Swanson will be reimbursed for any and all legal expenses incurred. Trustee Jablonski added it is a good idea to have a qualified person in this field on staff to serve both the Village and the Township.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

Chautauqua County Legislator P.J. Wendel wished to report that a committee will again be looking into ways to reduce the jail population. Costs to jail a single person have become overwhelming and the way inmates are currently managed needs to be adjusted. Mr. Wendel also indicated the hike in the NYS Sales Tax was approved by the County Legislature and awaits ratification at the State level.

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Trustee Jablonski indicated the Village of Lakewood needs a local law that prohibits the pick-up of grass clippings by the Department of Public Works crews. Trustee Jablonski said the collection of grass clippings is unnecessary and the manpower and equipment expended doing so could be better spent elsewhere.

Trustee Di Salvo said the issue he has with the yard waste pick-up is that some residents place material at the road edge long before they should.

Trustee Jablonski suggested that the Board of Trustees should field public comments on the subject before any action is taken.

Trustee Drago said if a local law is adopted on the subject there will many issues that arise when it comes time to enforce it. It might be a better idea to just make residents more aware of the current policy and encourage people to adhere to it.

Mayor Wordelmann said it would be a good idea for the Board of Trustees discuss this matter more fully at an upcoming meeting.

Motion by Trustee Drago, seconded by Trustee Jablonski, and unanimously carried the Board adjourned at 7:51 PM.

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Joseph M. Johnson  
Village Clerk