

MAY 14, 2012

The fourth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, May 14, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago and John Jablonski III. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Village Attorney Edward P. Wright, Police Chief John R. Bentley, and Building Inspector Charles L. Smith. Absent were Village Trustee Joseph M. Troche, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg.

ANYONE TO BE HEARD

Mr. Daniel Dolan, owner of 5 & 7 Gerald Ave., appeared before Mayor David T. Wordelmann and the Board of Trustees to voice his concerns regarding a neighbor's desire to acquire a portion of the Gerald Ave. right-of-way from the Village of Lakewood. Mr. Dolan said if a section of the Gerald Ave. right-of-way were to be abandoned and deeded to Ms. Kathleen Whitmore, it would make a street very difficult to navigate now even more difficult. Mr. Dolan said if there is a fire for example on Dunn Ave. emergency vehicles would have a very difficult time turning around. If the Village of Lakewood were to sell a portion of Gerald Ave., which is now used as a turn-around, they could be opening themselves up to a major law suit.

Mayor Wordelmann, Village Attorney Wright and members of the Board of Trustees proceeded to review with Mr. Dolan, an excerpt of the Village of Lakewood tax map, making note of the section of the Gerald Ave. right-of-way that Ms. Whitmore is interested in acquiring. Mayor Wordelmann said presently Ms. Whitmore is likely utilizing a portion of the right-of-way as a parking spot in front of her house at 2 Gerald Ave. What she would like to do is build a garage in the space where she now parks her car. Mayor Wordelmann added if anything is built within the boundaries of the public right-of-way it would likely require an area variance. Mayor Wordelmann also reassured Mr. Dolan that if the Village of Lakewood does indeed sell a section of Gerald Ave. to Ms. Whitmore it would be the property north of the 5 ft. lake access which runs parallel to her easterly boundary line.

Mr. John Livingston, 7 Crawford Lane, appeared before Mayor Wordelmann and the Board of Trustees to check on the status of the pickleball courts being proposed on the former tennis courts on Linwood Ave.,

Mayor Wordelmann indicated to Mr. Livingston that the pickleball nets and posts have been received and he understands that D.P.W. Supervisor Pilling is expected to color seal the courts in the very near future.

Mr. Livingston then indicated to Mayor Wordelmann and the Board of Trustees an idea he has by which Jerry Matteson, who brought pickleball to the area, and who died recently, could be honored by way of a sign at the pickleball courts. Mr. Livingston said he will get a cost estimate for the sign and submit it to the Board of Trustees for their review and approval. Mr. Livingston asked if the gazebo could be relocated and if the Village of Lakewood would consider providing a small set of bleachers for the courts. Mr. Livingston said there are seventy to eighty area pickleball players.

Mr. Gale Seekings, 12 Olive Ave., appeared before Mayor Wordelmann and the Board of Trustees to voice a complaint and his concerns about the condition of the properties to his north at 8 & 10 Olive Ave., Mr. Seekings said at the urging of his attorney he signed a complaint form regarding this matter, but nothing has been done. Mr. Seekings said he has lived in Lakewood for the past eighteen years and has tried to be a good neighbor but something has got to be done to remedy the deplorable condition of the properties at 8 & 10 Olive Ave.

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Building Inspector Charles L. Smith indicated to Mayor Wordelmann and the Board of Trustees that he is hopeful to get Mr. Bruce D. Carlson, owner of the aforementioned properties back into Town Court by the end of the month.

Mr. Seekings said another matter he would like to see addressed is the parking problem along the north side of East Summit St. just west of Olive Ave. People living at and/or visiting 16.5 Olive Ave. tend to park along the north side of East Summit St., making it impossible to see oncoming traffic from the west when pulling out onto East Summit St. Something should be done before somebody gets hurt. Mr. Seekings said this particular situation is especially hazardous during the winter months.

Mayor Wordelmann said he will gladly take a look at this situation and if some no parking signs need to be put up as a remedy so be it.

Trustee John Jablonski asked Building Inspector Smith when was Mr. Carlson first cited.

Mr. Smith said it has been close to two years. Mr. Carlson has received court orders to clean-up the properties however deadlines to accomplish the task have never been set. Mr. Smith also said the court has taken Mr. Carlson's financial situation into account when dealing with this particular case. Mr. Smith said he will urge the Judge to issue some deadlines and if the deadlines are not met then appropriate fines should follow.

Mayor Wordelmann thanked Mr. Seekings for attending tonight's Board of Trustees meeting.

APPROVAL OF MINUTES

Motion by Trustee Denn, seconded by Trustee Jablonski, to approve the minutes of last regular meeting held April 23, 2012 and the minutes of the special meeting held April 30, 2012.

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

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Jablonski, that the claims as audited by the Auditing Committee of the abstracts dated May 14, 2012, be approved and that the Clerk shall execute said abstracts (#50, #51 & #52) and direct payment by the Treasurer. General Fund (Month End): \$ 918.20, (Check #8431 thru #8433), Trust & Agency Fund: \$ 51,410.38, (Check #1963 thru #1977), General Fund: \$ 41,175.91, (Check #8434 thru #8478) NOTE: Trustee Jablonski had a question regarding an invoice from Decatur Electronics, which was answered by Police Chief Bentley.

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

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered four thousand three hundred one reportable incidents year-to-date. Also the Lakewood-Busti Police Department recently received a \$ 300.00 donation from the Lakewood American Legion Post #1286, which will be put towards the purchase of miscellaneous equipment. Police Chief Bentley also reported that the Lakewood American Legion Post #1286 has named Carl A. Caprino as Police Officer of the year.

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Chief Bentley then reported that due to the detour on Rt. 394 enforcement of the speed limits on alternate routes such as East Summit St., Shadyside Ave. and Hunt Road has been enhanced. Chief Bentley also reported that he and Sgt./Investigator Gustafson assisted the Town of Ellicott Police Department and the coroner on a fatal motorcycle accident which occurred on Southwestern Dr. early yesterday morning, (May 13th).

Trustee Denn asked Chief Bentley how did members of the Lakewood-Busti Police Department enjoy the recent tactical firearms training seminar.

Chief Bentley said it was a nice learning experience for the officers taking part.

Building Inspector Charles L. Smith reported that the proposed Olive Garden restaurant project is moving forward with asbestos abatement work proceeding at the former Firestone store which is scheduled for demolition the week of May 21st. Mr. Smith also reported that the contractor for the proposed Affinity Credit Union at the former Carnahan's store site, 373 East Fairmount Ave., has decided to raze the existing building and build new, rather than remodel what's there.

Mayor Wordelmann reported he attended the Southern Tier West Local Government Conference at Houghton College last week and in one of the sessions on zoning it was mentioned if there is a concern challenging the local municipal board they could opt to issue a moratorium on a particular use. He said two controversial issues currently facing the Village of Lakewood are the construction of large storage buildings in residential neighborhoods and establishing specific guidelines for any new self-storage businesses that wish to locate here. Mayor said a moratorium would be done via local law following a public hearing.

Building Inspector Smith suggested that the Village of Lakewood consider amending the zoning law where needed within the same time frame the moratorium would take.

Trustee Denn indicated each community has its minimum property standards while at the same time a man's house is his castle. He can really empathize with the gentleman on Olive Ave. and well as the residents on Ohio Ave. Trustee Denn suggested that when the Village of Lakewood amends its zoning law, consider adding some language that addresses some of these property maintenance issues. A municipality can not legislate good neighbors.

Village Attorney Wright said once these property maintenance issues land in court it becomes difficult for the court to remedy the situation when the violator has financial problems. The court would much rather see the violator use his/her resources to resolve the problem than to fine the individual.

Trustee Jablonski asked if there is a situation like the one on Olive Ave could the Village of Lakewood clean-up the property and place a lien on it, adding, at some point it will be necessary for the Village of Lakewood to amend its zoning law.

Building Inspector Smith noted there are plenty of laws on the books to get cooperation from property maintenance violators.

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COMMITTEE REPORTS

Mayor Wordelmann reported that he and Trustee Joseph M. Troche recently met with Town of Busti Supervisor Jesse Robbins and Town Councilman Richard A. Sanders to discuss the renewal of the Police Services Contract/Agreement between the Village of Lakewood and the Town of Busti. Mayor Wordelmann said the initial meeting went very well and anticipates having a new contract/agreement worked out sooner rather than later.

RESOLUTION #31-2012-2013 – ACCEPT QUOTE FOR PAINTING PROJECT

Motion by Trustee Denn, seconded by Trustee Jablonski, per the recommendation of Mayor Wordelmann for the Village of Lakewood to accept the quote in the amount of \$ 20,800.00 as submitted by Painting Unlimited of Jamestown, Inc., Jamestown, N.Y., to prepare the surface and paint the wooden soffits/overhangs and other wooden trim on the Anthony C. Caprino Community Building.
Adopted: 3 ayes, no nays (Denn, Drago, Jablonski)

RESOLUTION #32-2012-2013 – APPROVE 2012 LAKE MAINTENANCE AGREEMENT

Motion by Trustee Drago, seconded by Trustee Denn, authorizing Mayor David T. Wordelmann to execute an agreement between the Village of Lakewood and the Chautauqua Lake Association, Inc., Lakewood, New York, whereby the Village of Lakewood agrees to make a contribution in the amount of \$ 3,500.00 toward the Chautauqua Lake Association's lake maintenance program for 2012. NOTE: Trustee Jablonski said the Village of Lakewood should consider increasing its contribution to the Chautauqua Lake Association in the future for the services that they provide. A well maintained lake is a very important component of the Village of Lakewood's tax base. Village Attorney Wright said if the Village of Lakewood goes forward with a public boating dock it should get some assurances from the Chautauqua Lake Association that the weeds around the bathing beach and public dock will be harvested on a regular basis.
Adopted: 3 ayes, no nays (Denn, Drago, Jablonski)

RESOLUTION #33-2012-2013 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 10,000.00 from Account A-5142.10 (Snow Salaries) to Account A-5142.20 (Snow Equipment) for the purchase of a new salt spreader.
Adopted: 3 ayes, no nays (Denn, Drago, Jablonski)

RESOLUTION #34-2012-2013 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Drago, seconded by Trustee Denn, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 4,900.00 from Account A-5110.46 (Tree Service) to Account A-7140.40 (Parks Contractual) regarding expenses for the new pickleball courts.
Adopted: 3 ayes, no nays (Denn, Drago, Jablonski)

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RESOLUTION #35-2012-2013 – AUTHORIZE NEW TRUST & AGENCY ACCOUNT

Motion by Trustee Denn, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to establish account (T1093.50) in the Trust & Agency Fund to hold memorials/donations made to the Village of Lakewood's history museum.

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

RESOLUTION #36-2012-2013 – POSTPONE NEXT REGULAR BOARD OF TRUSTEES MEETING

Motion by Trustee Jablonski, seconded by Trustee Drago, that due to the Memorial Day Holiday, to postpone the next regular meeting of the Board of Trustees, previously scheduled for Monday, May 28, 2012 and reschedule it for Tuesday, May 29, 2012.

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

RESOLUTION #37-2012-2013 – SET TIME & DATE TO DISCUSS PUBLIC DOCK

Motion by Trustee Denn, seconded by Trustee Jablonski, to set 7:05 PM, Tuesday, May 29th as the time and date to conduct an open discussion on the possibility of establishing a public boating dock at Richard O. Hartley Park, between the public bathing beach and the park's easterly boundary.

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

RESOLUTION #38-2012-2013 – SET DATE & TIMES FOR PUBLIC HEARINGS

Motion by Trustee Denn, seconded by Trustee Drago, to set Tuesday, May 29th as the date and the times as noted below to conduct the following public hearings:

6:45 PM - Special Use Permit – Fence, 8 West Second St. (Karr)

6:50 PM – Special Use Permit – Accessory Apt., 385 East Fairmount Ave. (Garofalo)

6:55 PM – Site Plan Review – Outside Seating Platform, 112 Chautauqua Ave. (Paddock)

7:00 PM – Special Use Permit – Fence, 297.5 Shadyside Ave. (Thomas)

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

RESOLUTION #39-2012-2013 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Treasurer Andrea J. Windoft to transfer \$ 2,371.14 from the Trust & Agency Account T1093.30 to Account A-3120.20 (Police Equipment) for the purchase of miscellaneous equipment for the Lakewood-Busti Police department.

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

RESOLUTION #40-2012-2013 – AUTHORIZE ADJUSTMENT OF 2011-2012 BUDGET

Motion by Trustee Denn, seconded by Trustee Jablonski, authorizing Treasurer Andrea J. Windoft to encumber \$ 76,000.00 from the current 2011-2012 budget's appropriated fund balance to pay for four specific projects (public dock, painting project, community sign, widening of garage doors at the D.P.W. garage) that will be undertaken after June 1, 2012.

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

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RESOLUTION #41-2012-2013–SET DATES FOR ANNUAL YARD SALE
& METAL/JUNK PICK-UP

Motion by Trustee Denn, seconded by Trustee Drago, to set Friday, June 8th & Saturday, June 9th as the dates to conduct the annual village wide yard & garage sale and to set Monday, June 11th as the date when the annual village wide metal & junk pick-up will commence.

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

Motion by Trustee Denn, seconded by Trustee Drago, and unanimously carried, the Board adjourned at 7:26 PM.

Joseph M. Johnson
Village Clerk