

MAY 26, 2015

The twenty-eighth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Tuesday, May 26, 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, Village Treasurer Andrea J. Windoft, 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 was Trustee Gale A. Denn.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Jablonski, to approve the minutes of the last regular meeting of the Board of Trustees, held May 11, 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 May 26, 2015 be approved and that the Clerk shall execute said abstracts (#17, #54 & #55) and direct payment by the Treasurer. Capital Fund: \$ 354.00, (Check #11707), Trust & Agency Fund: \$ 52,077.03, (Checks #3345 thru #3356), General Fund:

\$ 44,415.22, (Checks #11708 thru #11743)

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

REPORTS

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to three hundred fifty-eight alarms year-to-date, forty-six of which occurred since the last meeting of the Board of Trustees. Chief Hallberg indicated the fire department responded to seven calls the evening of May 18th when a wind and rain storm moved through the area. Chief Hallberg also reported that earlier today the Lakewood Fire Department, along with other fire departments and local agencies participated in a mock DWI (Driving While Intoxicated) exercise at Southwestern Central School, which went very well.

Department of Public Works Supervisor Thomas R. Pilling had no report but asked Mayor Wordelmann if the Village of Lakewood intends to conduct an auction this year as a means to dispose of some used equipment.

Trustee Di Salvo said as a follow-up to a discussion at the previous meeting concerning the weekly collection of brush, yard waste and grass clippings by the Department of Public Works, suggested that managing brush, yard waste and grass clippings should be left up to the individual property owner, resident or their lawn maintenance contractor. Trustee Di Salvo indicated that in some instances yard waste is set out for collection shortly after its scheduled pick-up and becomes an eyesore for the next three weeks until it is picked-up again. Unfortunately some residents just don't follow the rules.

Trustee Drago said on the way to tonight's meeting she noticed seven violations between her house and the Village Hall.

Mayor Wordelmann said the options as he sees them is to stop the weekly brush pick-up entirely, reschedule the pick-up for once in the spring, once in the middle of the summer and once in the fall.

Trustee Di Salvo said grass clippings should not be picked-up, period.

MAY 26, 2015 (CONTINUED)

Department of Public Works Supervisor Pilling said he has some reservations about discontinuing a service because of just a few violators.

Trustee Jablonski suggested the Board of Trustees propose a revised set of rules and regulations regarding the yard waste pick-up and get some feedback from residents.

Trustee Di Salvo said there has to be some compromise when it comes to the current weekly brush pick-up versus discontinuing it entirely.

Mayor Wordelmann suggested that the Board of Trustees have a public discussion on the subject at the next regular meeting June 8, 2015. Mayor Wordelmann would favor a brush pick-up in the spring and the annual fall leaf pick-up only. Managing other yard waste and grass clippings should be the responsibility of the property owner by making use of the designated dump site on Packard Ave.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to four thousand six hundred sixty-two reportable incidents year-to-date and that the police department also participated in the mock DWI exercise earlier today. Chief Bentley reminded everyone to "buckle-up", because it is "Buckle-Up New York" month this June. Law enforcement agencies across New York State will be ticketing those who are not buckled-up and those distracted by using their cell phones while driving. Chief Bentley also reported that the two new police cars have been delivered and are being readied for service. Chief Bentley said the Lakewood-Busti Police Department has recently been involved with a number of drug related arrests involving crack cocaine and meth labs.

Trustee Di Salvo asked Chief Bentley if where the meth labs have been discovered are absentee owned properties.

Chief Bentley indicated that in most cases meth labs are established in rental properties. In order to seize a property the owner would have to be directly involved with the drug making and or drug trafficking. He added, the majority of the meth lab sites aren't fit for habitation and have very little value.

Trustee Di Salvo indicated that it is his understanding that such properties can not be rented again until they are brought up to certain standards.

Building Inspector Swanson indicated that properties where meth labs have been established are required to be cleaned-up to EPA (Environmental Protection Agency) standards but said he is having a hard time in finding out what exactly those standards are.

Village Treasurer Andrea J. Windoft reported that the Village of Lakewood has received its latest quarterly sales tax revenue check. For the fiscal year, the amount received has exceeded the anticipated revenue by approximately \$ 4,000.00.

Building Inspector Swanson reported that sixteen property owners have been sent letters advising them of Section #25-25, (C) [Preservation of yards, courts and open space], of the local zoning law, which requires lawns on developed property to be maintained at a height not to exceed six inches.

Mr. Swanson suggested taking a different approach when handling certain property maintenance issues, and asked Mayor Wordelmann and members of the Board of Trustees for their input on the possibility of getting some community involvement in addressing some of the problems for those property owners who are financially stressed.

Trustee Jablonski indicated that in some cases where there is truly a need church groups or other civic minded groups chip-in and assist.

MAY 26, 2015 (CONTINUED)

Mayor Wordelmann said in a recent drive about the village with Building Inspector Swanson, he was horrified by some of the conditions of the properties.

When asked by Trustee Di Salvo about the status of the CHRIC program, Village Clerk Johnson indicated that the Village of Lakewood is still awaiting word on the funding and if indeed the funding is awarded to the village only about twelve of the approximately fifty-five projects would be undertaken. Mr. Johnson said staff members from CHRIC would then prioritize the various project requests, however work on them would likely not begin until the 2016 construction season.

Mayor Wordelmann asked Mr. Swanson what is his focus when it comes to property maintenance.

Building Inspector Swanson said he would like to start at the east end of the village and note the properties that are in need of attention the most.

Mayor Wordelmann indicated that some property owners might be offended if they believe that they are being singled-out.

Trustee Di Salvo said some of the property owners have the means to fix-up their properties but choose not to follow the law. He agreed there are hardship cases but the Village of Lakewood needs to enforce its property maintenance law to the fullest. Applying for the CHRIC funding is certainly a start to try to help those in need financially. Unfortunately some of the properties are getting worse.

Trustee Di Salvo suggested sending out notices of violation to those properties not in compliance and see what kind of response we get. If they don't respond, we go onto step two. Trustee Di Salvo commended Building Inspector Swanson for how he has been handling these very delicate property maintenance issues in a very non-threatening manner. The Village of Lakewood

however needs to apply the law equally to all properties.

Trustee Drago said the former Dairy Queen property hasn't been mowed yet and the site of the former Mexican Restaurant is a mess. Something needs to be done to tidy-up that property.

Building Inspector Swanson indicated that last time he had contact with the property owner was to discuss the vehicles that were on the site that have since been removed. Mr. Swanson said he will call the property owner to discuss what else yet needs to be done.

Trustee Di Salvo then brought up the old sign at the former Wilson Farms Store at the corner of Chautauqua Ave. and Summit Street. If anyone can afford to remove the sign it is Benderson Capital Company. Trustee Di Salvo said everyone should be treated the same and deal with extenuating circumstances when they surface.

Village Attorney Wright indicated that the enforcement of the zoning law when it comes to property maintenance matters must have some structure and suggested that the Building Inspector categorize the various violations on a spread sheet and set it up so as to track the enforcement process.

Mr. Ted McCague, 12 Park Lane, indicated he believes there must be a distinction between the structures that are in disrepair and properties that are in need of a clean-up. The easier fix of the two is for residents just to take some time to clean-up their properties.

Trustee Di Salvo said he likes the idea of a spread sheet for keeping track of the various property maintenance violations and fields could be added to the spread sheet as needed.

Mayor Wordelmann asked Mr. Swanson, just how does the Village of Lakewood go about enforcing its property maintenance laws.

MAY 26, 2015 (CONTINUED)

Mr. Swanson said his approach is simple. First he talks with the property owner about a particular violation and gives them some time to remedy the problem. If they fail to comply he mails the property owner an order to remedy notice. Mr. Swanson said enforcement of the property maintenance laws takes time. Mr. Swanson said he would like to prioritize the various property maintenance violations so as to address the most extreme cases first.

Trustee Di Salvo said the development of a spread sheet is a fair and equitable way to address the enforcement part of property maintenance violations and suggested that the Village of Lakewood contact Jamestown Business College to see if there is an Information Technology (IT) internship available that could assist in setting-up the spread sheet/data base for the Building Inspector.

Village Attorney Wright said in getting away from generalities relative to the enforcement of the property maintenance law, the Village of Lakewood needs to determine what properties to cite and require that the respective property owner to appear in Town of Busti Court.

Village Attorney Wright and Trustee Di Salvo agreed data on the various properties be collected first before moving forward with enforcement.

Mayor Wordelmann said would like to see the enforcement process, from the time the home owner is initially contacted to when they appear in Town of Busti Court, expedited

OLD BUSINESS

Trustee Jablonski said in light of the discussions that have transpired regarding the funding for the former joint recreation program, (Busti-Lakewood Recreation Commission), suggested that the Board of Trustees ask Village Attorney Wright to write letter to Town of Busti Supervisor Jesse Robbins asking for full disclosure of monies the Village of Lakewood contributed to the program over the years.

Village Attorney Wright asked should the letter be from him as the Village of Lakewood's legal counsel or should it be from the Board of Trustees.

RESOLUTION #144-2014-2015 - LETTER TO THE TOWN OF BUSTI

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, for Village Attorney Edward P. Wright to draft a letter to Town of Busti Supervisor Jesse Robbins asking for full disclosure on the funding of the former joint recreation program, (Busti-Lakewood Recreation Commission) that the Village of Lakewood contributed to over the years, how some of the money was spent and what is the remaining balance in the former joint recreation account.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #145-2014-2015 - AUTHORIZE YEAR-END BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J. Windoft to make the necessary end of year budget transfers.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

MAY 26, 2015 (CONTINUED)

RESOLUTION #146-2014-2015 - APPROVE LEGAL SERVICES AGREEMENT

Motion by Trustee Di Salvo, seconded by Trustee Drago, to approve an agreement with Wright, Wright & Hampton, Attorneys At Law, Jamestown, New York, to provide legal services to the Village of Lakewood for the period of June 1, 2015 thru May 31, 2016.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #147-2014-2015 - APPROVE 2015 DOCK PERMIT APPLICATIONS

Motion by Trustee Di Salvo, seconded by Trustee Drago, to approve the following 2015 dock permit applications as submitted by William F. Chandler,

207 West Summit St. for the Division St. right-of-way, and Steven P. Johnson,
26 Harlem Ave. for the Harlem Ave. right-of-way.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #148-2014-2015 - AUTHORIZE FUND TRANSFER

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, authorizing
Village Treasurer Andrea J. Windoft to transfer \$ 6,540.00 from Account A-
9015.80, (Police Retirement) into Account A-8020.40,
(Planning).

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

Motion by Trustee Drago, seconded by Trustee Jablonski, and unanimously
carried the Board adjourned at 7:24 PM.

Joseph M. Johnson
Village Clerk