

JUNE 24, 2013

The sixth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 24, 2013 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, David Di Salvo, and Susan F. Drago. Also present were Deputy Village Clerk Mary B. Currie, Village Treasurer Andrea J. Windoft, Village Attorney Edward P. Wright, Police Chief John R. Bentley, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent were Trustee John Jablonski, Department of Public Works Supervisor Thomas R. Pilling and Village Clerk Joseph M. Johnson.

APPROVAL OF MINUTES

Motion by Trustee Denn, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held June 10, 2013.

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

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Denn, that the claims as audited by the Auditing Committee of the abstract dated June 24, 2013, be approved and that the Clerk shall execute said abstract, (#3), and direct payment by the Treasurer. General Fund: \$ 87,536.04, (Checks #9735 thru #9781), Trust & Agency Fund: \$46,334.82, (Check#2504 thru #2507)

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

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to four thousand eight hundred seventy one reportable incidents year-to-date. Chief Bentley also reported that as far as the zoning issue with the new business Endless Love, Investigator Gustafson went to the store and they are definitely open for business. Within the last two weeks the Police Department has been successful in removing a cocaine dealer, who was living on Chautauqua Ave., off the streets & they have also completed range training and everyone qualified.

Fire Chief Kurt W. Hallberg reported the Lakewood Fire Department has responded to three hundred fifty nine reportable calls year-to-date. Chief Hallberg also reported that they had a positive meeting with Trustees Drago & Denn about replacing engine 373 with a 2014 pumping engine, they will be forming a committee and come back to the village with some prices.

Mayor David T. Wordelmann asked if there will be a timeline of when they will need the money for the new engine.

Mr. Hallberg thought by the time they form a committee, see samples of parts & have it built, he thought it could be April of 2014.

Chief Hallberg also wondered where the village stood about the previous request to have E-Z passes for Village owned vehicles.

Mayor Wordelmann said they will be looking into it.

Building Inspector Charles L. Smith reported that Village Attorney Mr. Wright has written a Letter for Review for 215 Elmcrest Ave., for both parties to sign so that the village can get that property cleaned up. Also, a permit was issued for Kay Jewelers to do a rebuild in Chautauqua Mall, Sakura in the mall is now

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under construction, Fuji Grill has made a lot of progress and is only a few weeks from opening & the Men's Warehouse project has begun in the Lakewood Village Center.

Trustee Di Salvo was wondering if Shults had been issued a special use permit for their lot on Mall Blvd. and if there was a storm water retention permit issued for that?

Mr. Smith said he has issued a Temporary Retail Outlet Permit for the automobile sales and there would be no need for a storm water permit for that since he's not enhancing the property, he only paved it. He did however have Paul Potter design a Storm Water Retention Control System on the east southeast corner of the property so it is a lot better than it was.

Trustee Denn then asked Building Inspector Smith if he has had any indication from Mr. Shults of whether they will be putting a building on that site.

Mr. Smith said there never was a permit issued for the dealership that was being proposed last year. Mr. Shults was suppose to be getting back to the village with the details. The village agreed to the project but not the specifics since he didn't have any. Therefore the moratorium wouldn't affect it.

Trustee Denn also wondered if there was a timeline for the project Mr. & Mrs. Shults have on the corner of Chautauqua Ave. and West Second St.

Village Attorney Wright's recollection was that they had to submit plans to the village by the end of January 2013.

Mr. Smith said they did submit plans for the project before that time but when they went out for bid they came back much higher than they expected so they have changed their design and they are going back out for bid at this time. They have asked for extensions which have been granted.

Trustee Denn reported that he was finally able to track down the agency for placing a buoy on the rock bar that is just outside of the public dock and would like Mayor Wordelmann's permission to communicate with NYS Department of Parks to get one placed there.

Trustee Di Salvo reported that he has been in contact with UB Graduate School of Architecture and Planning, he is working on scope of services with the Dean at School with 6 credit hours hoping to lock him in for the year. Trustee Di Salvo said he would come before this board for approval to start work & approval of the scope of the work to be done sometime in August.

ANYONE TO BE HEARD

Mr. Thomas Turner, 33 Lake St., appeared before Mayor Wordelmann and the Board of Trustees asking for their help and support in his attempt to gain access to his property on Ohio Ave., through the Bond property at 20 E. Lake St., so that he can build his cottage. Mr. Turner also asked the Board of Trustees to consider fire pits when they are going through the new planning and zoning codes. If they were to take a look at all the homes along Lakewood's lake front they would see that most people have fire pits on their patios/porches.

Mayor Wordelmann indicated to Mr. Turner that as far as the first request goes, it is still under litigation.

Mr. Turner assured that there was no law suit at this time, with the property on Ohio Ave. or his going through Geoffrey Bond's property.

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Village Attorney Wright indicated that at this time there are at least two law suits still pending around that geographical area, therefore he advised the Mayor and the Board of Trustees not to comment but to take Mr. Turners request under advisement.

Mayor Wordelmann asked if the second part of Mr. Turners question/request could be addressed by the Fire Department.

Mr. Charles Smith said that the Open Burning Regulations in the NYS DEC regulations does not allow any open burning within any incorporated village in New York State.

Trustee Denn asked Mr. Smith what is the legal definition of “open burning”?

Mr. Smith said anything that’s not a cooking fire, even if it has a mess cover, as long as it is not a grill it is considered open burning.

Nancy Bargar, 11 W. Terrace Ave., thanked the Village Board for going with the Zero-Sort recycling program and if the container behind the Village Hall could be used for residents to take things there if they are missed by the garbage contractor.

RECESS

Motion by Trustee Denn, seconded by Trustee Drago, to recess the regular meeting so as to conduct a previously scheduled public hearing.

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

PUBLIC HEARING – 6:45 PM
SITE PLAN REVIEW – MIXED USE BUILDING
2 EAST SECOND STREET

Mayor Wordelmann opened the public hearing at 6:45 PM and asked the Deputy Clerk to read the notice of public hearing as it appeared in the Village of Lakewood’s official newspaper. He then asked if anyone would care to speak for or against the proposed Mixed Use Building at 2 East Second St.

Mr. Thomas Turner asked the Board of Trustees to approve this project since the building is in pretty good state of disrepair, the roof is in bad shape and it has been an eye sore for way to long. He feels that it would be a great project for the village and believes Dave Bargar would do a great job in fixing it up.

Mr. David Bargar, 11 Sunset Ave., wanted to note that the property is zoned commercial, B-1, it is a mixed use property and that his goal is to not only clean it up but to re-model and put two apartments on the second floor and to continue the mixed use proposal. There is still work to do on the environmental reports but as for right now he is wanting the approval to be able to do the apartments. Pennzoil will be starting the Phase 1 step soon then once he finds out if it is clean he will be able to proceed.

Village Attorney Wright asked Mr. Bargar if the property was under contract with the environmental study being a contingency of the sale.

Mr. Bargar said this was not a contingency to the sale then continued to briefly discuss the environmental aspects of the property.

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With no one else to be heard, Mayor Wordelmann closed the Public Hearing and reopened the regular meeting of the Board of Trustees at 6:52 PM.

RESOLUTION #40-2013-2014 – TABLE SITE PLAN REVIEW

Motion by Trustee Denn, seconded by Trustee Drago, to table the review of the Site Plan for 2 East Second St., until the Planning Board has made their recommendations.

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

RESOLUTION #41-2013-2014 – UNIFORM NOTICE OF CLAIMS ACT

Motion by Trustee Denn, seconded by Trustee Drago, to designate the Village Clerk as the individual to whom the Secretary of State must mail notices of Claims served against the Village of Lakewood.

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

RESOLUTION #42-2013-2014 – ACCEPT RESIGNATION OF STEVEN A. BENTLEY

Motion by Trustee Denn, seconded by Trustee Drago to accept the resignation of Police Officer Steven A. Bentley, effective June 26, 2013, who recently accepted a position with the Jamestown Police Department. Officer Bentley has worked for the Lakewood-Busti Police Department since February 15, 2011.

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

RESOLUTION #43-2013-2014 – APPROVE FULL-TIME POLICE OFFICER APPOINTMENT

Motion by Trustee Denn, Seconded by Trustee Drago to approve the appointment of part-time Police Officer Michael T. Currie, 3 Lakecrest Ave., to a full time position effective June 26, 2013, per the recommendation of Police Chief John R. Bentley. Officer Currie who has worked as a part-time Police Officer since September 10, 2008, will fill the vacated full time position created by the recent resignation of Steven A. Bentley. Officer Currie will be compensated at the probationary salary level.

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

RESOLUTION #44-2013-2014 – APPROVE PART-TIME POLICE OFFICER APPOINTMENT

Motion by Trustee Denn, Seconded by Trustee Drago to approve the appointment of Timothy Riley, Jamestown, N.Y., as a Part-Time Police Officer for the Lakewood-Busti Police Department effective June 26, 2013, per the recommendation of Police Chief John R. Bentley. Officer Riley will be compensated at a rate of \$16.49/hr., and fill the vacated part-time position created by the promotion of part-time Officer Michael T. Currie.

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

RESOLUTION #45-2013-2014 – ACCEPT RESIGNATION/RETIREMENT OF POLICE SGT.
STEPHEN P. FARDINK

Motion by Trustee Denn, Seconded by Trustee Drago to accept the resignation/retirement of Police Sgt. Stephen P. Fardink effective June 28, 2013 who has worked for the Lakewood-Busti Police Department since September 11, 1990. Trustee Denn wished to thank Sgt. Fardink for his years of dedicated service to the department and suggested that a letter of thanks be sent to him.

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

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RESOLUTION #46-2013-2014 – TABLE FULL-TIME POLICE OFFICER APPOINTMENT

Motion by Trustee Denn, seconded by Trustee Drago to table the hiring of Police Officer William A. Cummings to fill the open patrol officer position created by the resignation/retirement of Sgt. Fardink until they receive Officer Cummings complete qualifications to decide if he should be compensated at Step I rather than Probationary rate.

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

RESOLUTION #47-2013-2014 – TABLE POLICE SERGEANT APPOINTMENT

Motion by Trustee Denn, seconded by Trustee Di Salvo to table the appointment of a new Police Sergeant until the matter can be discussed in executive session.

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

RESOLUTION #48-2013-2014 – BRUSH RULES AND REGULATIONS

Motion by Trustee Denn, seconded by Trustee Drago authorizing Mayor Wordelmann to establish a set of rules regarding the weekly brush pick up.

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

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee David J. Di Salvo, Trustee Susan F. Drago, Police Chief John R. Bentley and Village Attorney Edward P. “Tad” Wright. Motion by Trustee Denn, seconded by Trustee Drago to adjourn the executive session at 7:44PM.

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

RESOLUTION #49-2013-2014 – APPROVE PROMOTION OF FULL TIME OFFICER TO SERGEANT POSITION

Motion by Trustee Denn, seconded by Trustee Drago, to approve the promotion of a qualified full-time patrol officer of the Lakewood Busti Police Department to the rank of Sergeant in accordance with civil service law.

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

Motion by Trustee Denn, second by Trustee Drago, and unanimously carried the Board adjourned at 7:50PM

Mary B. Currie
Deputy Village Clerk