

JUNE 25, 2012

The seventh regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 25, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Susan F. Drago, Joseph M. Troche and Gale A. Denn. 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.

ANYONE TO BE HEARD

Mr. Larry Sorenson, 290 E. Terrace Ave., wished to thank the Village and the DPW for the wonderful job they did on resurfacing E. Terrace Ave. from Crescent Ave. to where E. Terrace meets E. Summit St.

Mr. Gale Seekings, 12 Olive Ave., wondered if there was any progress in getting a “No Parking” sign installed on E. Summit Street just west of Olive Ave.

Mr. Larry Sorenson said that the other day he wanted to turn east onto E. Summit Street from Olive Ave. he had to go out into the intersection before he could see if there were any vehicles coming, he agrees that the cars parked along the north side of E. Summit Ave. are a problem.

Chief Bentley said as far as he has seen they are all legally parked, they are as far off the road as possible. He believes there is a distance from a corner that you can post a “No Parking/Standing here to Corner” sign. There is a state regulation book that DPW Supervisor Pilling has that we can find the regulations for this. However until there is a sign there, they are legal to park there.

Mayor Wordelmann said they will check into the legalities of putting one up there. There was also some discussion on Mr. Bruce Carlson’s ongoing clean up project at 8 and 10 Olive Ave.

Mr. Seekings also wondered if the Village Trustees were aware of the fact that Mr. Gerald Day, 16 Olive Ave., picks up rubbish and puts it out on the corner of Olive Ave. and E. Summit St. to sell, adding he does this all year long. Mr. Seekings wondered if there is any kind of permit the village has to keep from one person having to many garage sales a year.

Code Enforcement Officer Charles Smith said they used to have regulations that required a permit for garage sales but it was to hard to enforce so the village no longer tries to control them. Mr. Smith did say that if the items are on the right-of-way then they will be able to do something about that.

Mayor Wordelmann thanked Mr. Seekings for bringing this to their attention and indicated the village will check it out and try to address it if possible.

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 June 11, 2012.

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

JUNE 25, 2012 (CONTINUED)

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 25, 2012, be approved and that the Clerk shall execute said abstract, (#3), and direct payment by the Treasurer, with an amendment that a check in the amount of \$ 12,546.16, payable to Independent Health be added to the claims. General Fund: \$ 177,405.17
Adopted: 3 ayes, no nays (Denn, Drago, Troche)

REPORTS

Department of Public Works Supervisor Thomas Pilling submitted a written report as follows:
The pickleball court net posts are in & set, and weather permitting the courts will be sealed this week. E. Terrace Ave. from Crescent Ave. to the V at E. Summit St. has been paved.
The new public dock at Hartley Park was delivered last week and is scheduled to be put into the water later this week.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to five thousand six hundred forty four reportable incidents year-to-date. Chief Bentley said there has been a variety of incidents from DWI's to stabbings, domestic disputes and burglaries that have kept the police department busy. Chief Bentley also reported that the two new patrol vehicles are almost ready for the road.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to three hundred seventy-three alarms year-to-date. Chief Hallberg also reported the NYS Fire Chief's Convention at the Turning Stone Resort went well and that they had a lot of great products on display this year.

COMMITTEE REPORTS

Trustee Troche reported that the negotiations regarding a new police services contract between the Village of Lakewood and the Town of Busti are progressing quite nicely.

RECESS

Motion by Trustee Denn, seconded by Trustee Troche, to recess the regular meeting so as to conduct two previously scheduled public hearings.
Adopted: 3 ayes, no nays (Denn, Drago, Troche)

PUBLIC HEARING – 6:45 PM
SPECIAL USE PERMIT – FENCE
297-1/2 SHADYSIDE AVE.

Mr. Matthew Thomas, 297.5 Shadyside Ave. has submitted an application for a Special Use Permit regarding a proposal to erect approximately 100 lineal feet of 6 ft. high white vinyl fence along the majority of his property's easterly boundary line, running parallel with the Southland Ave. right-of-way. In accordance with Section #25-51, [Fences, Walls], of the Village of Lakewood Zoning Law, any fence above four (4) feet in height shall require a Special Use Permit.

JUNE 25, 2012 (CONTINUED)

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 6 ft. fence at 2971/2 Shadyside Ave.

Mr. Thomas indicated that the proposed fence would only impact the dead end portion of Southland Ave. and that his neighbors living on the east side of the street have no objections to the fence. Another reason for the 6 ft. fence is to keep a neighborhood dog that lives on the end of Southland Ave. from coming onto his property.

Trustee Troche indicated to Mr. Thomas that there is a leash law in the Village of Lakewood and therefore the neighbor's dog shouldn't be an issue, if its owner abided by the law.

Mrs. Kathy Hallenbeck, 255 Southland Ave. indicated she and her husband have no objections to Mr. Thomas' proposed fence.

Mayor Wordelmann indicated to Mr. Thomas that it has been this board's position to not allow 6 ft. fences other than when they are located between a commercial and residential district. Mayor Wordelmann said he would rather not see 6 ft. high fences allowed throughout the village. There has got to be a good reason to allow a 6 ft. fence.

Mrs. Hallenbeck said she is very concerned about the safety of Mr. Thomas' children. Ever since the credit union opened at the corner of Southland Ave and Rt. 394, the traffic on Southland Ave. has been terrible.

Mr. Thomas asked if the Board of Trustees would object to a 5 ft. high fence.

Trustee Denn suggested to Mr. Thomas that he consider erecting a 4 ft. fence and add a hedge to it.

Mr. Thomas indicated he would appreciate it if a decision could be made this evening.

RESOLUTION #24-2012-2013 – APPROVE/GRANT SPECIAL USE PERMIT - FENCE

Motion by Trustee Drago seconded by Trustee Denn, to approve/grant the Special Use Permit application as submitted by Mr. Matthew Thomas, 297.5 Shadyside Ave., whereby he will be allowed to erect approximately 100 lineal feet of 5 ft. high privacy fence along his easterly boundary line, running parallel with the Southland Ave. right-of-way, versus the 6 ft. high white vinyl fence he originally desired.
Adopted: 3 ayes, no nays (Denn, Drago, Troche)

PUBLIC HEARING – 6:50 PM
SPECIAL USE PERMIT – FENCE
387 EAST FAIRMOUNT AVE.

Mr. Jimmy La, 103 Valleyview Ave., Jamestown, N.Y., has submitted an application for a Special Use Permit regarding a proposal to erect 30 lineal feet of 6 ft. high privacy fence along a portion of the northerly boundary line of the property known as 387 East Fairmount Ave. In accordance with Section #25-51, [Fences, Walls], of the Village of Lakewood Zoning Law, any fence above 4 ft. in height shall require a Special Use Permit.

JUNE 25, 2012 (CONTINUED)

Mayor Wordelmann opened the public hearing at 6:50 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 6 ft. fence at 387 East Fairmount Ave.

Mr. Jimmy La's contractor, Mr. Dennis Herzog, explained that the reason for the 6 ft. fence is to provide privacy for Mr. La's customers utilizing the parking lot of his nail salon from neighbors living north of the parking lot on Miller Ave.

Mayor Wordelmann indicated this particular application for a 6 ft. high privacy fence is a little different than Mr. Thomas' in that the fence will act as a buffer between commercial property and residential property.

With no one else to be heard Mayor Wordelmann closed the public hearing at 7:10 PM.

RESOLUTION #25-2012-2013 – APPROVE/GRANT SPECIAL USE PERMIT – FENCE

Motion by Trustee Troche, seconded by Trustee Drago, to approve/grant the Special Use Permit application as submitted by Mr. Jimmy La, owner of the Nails-4-U Salon, 387 East Fairmount Ave., whereby he will be allowed to erect 30 lineal feet of 6 ft. high privacy fence along a portion of the northerly boundary line of the property known as 387 Eats Fairmount Ave.

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

RESOLUTION #26-2012-2013 – APPOINT PART-TIME POLICE OFFICER

Motion by Trustee Troche, seconded by Trustee Denn, that per the recommendation of Police Chief John R. Bentley, to appoint Mitchell J. Dudley, Mayville, N.Y., as a part-time Police Officer for the Lakewood-Busti Police Dept. effective retroactively to June 21, 2012. Officer Dudley will be compensated at \$16.49/hr.

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

RESOLUTION #25-2012-2013 – MANAGEMENT OF SUMMERFEST EXPENSES & REVENUES

Motion by Trustee Denn, seconded by Trustee Troche, authorize Village Treasurer Andrea J. Windoft to oversee the revenues and expenses for the 2012 4th of July Celebration/Summerfest, to be held Wednesday, July 4, 2012. NOTE: All expenses shall be paid from General Fund Account A-7550.40 and all revenues received shall be deposited into the Trust & Agency Account T1093.40. 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 (Denn, Drago, Troche)

RECESS

Motion by Trustee Drago, seconded by Trustee Troche, to recess the regular meeting at 7:19 PM, so as to enter into executive session to discuss current litigation involving the Village of Lakewood.

JUNE 25, 2012 (CONTINUED)

EXECUTIVE SESSION

Present at the executive were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee Susan F. Drago, Trustee Joseph M. Troche and Village Attorney Edward P. Wright. Motion by Trustee Denn, seconded by Trustee Drago, to adjourn the executive session at 7:43 PM.

Motion by Trustee Troche, seconded by Trustee Drago, and unanimously carried the Board adjourned at 7:45 PM.

Mary B. Currie
Deputy Village Clerk