

AUGUST 13, 2012

The tenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, August 13, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago and Joseph M. Troche. 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 and Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent was Trustee John Jablonski.

#### ANYONE TO BE HEARD

Mr. & Mrs. Christopher P. Bohn, 223 Locust St., appeared before Mayor David T. Wordelmann and the Board of Trustees, to ask permission if the section of Locust Street from Rt. 394 south to Mapleview Ave. could be closed to traffic from 1:00 PM – 6:00 PM, Saturday September 15, 2012 for a neighborhood block party, with a rain date of Saturday, September 22, 2012.

Mayor Wordelmann indicated to Mr. & Mrs. Bohn that he would be happy to add their request to tonight's agenda.

Mrs. Jill Conley, 7 Winchester Road, appeared before Mayor David T. Wordelmann and the Board of Trustees to inquire as to the status of plans by the Department of Public Works to repair the road surface of Shady Lane.

Department of Public Works Supervisor Thomas R. Pilling indicated to Mrs. Conley he has been in touch with Suit-Kote who are expected to slurry seal Chautauqua Ave. later this month. When they are in town to do the work on Chautauqua Ave. they will also seal Shady Lane.

Ms. Mary Ellen Williams, 235 East Terrace Ave., appeared before Mayor David T. Wordelmann and the Board of Trustees, looking for some direction regarding the area variances which the Zoning Board of Appeals granted to her neighbors, Mr. Mark Thorpe, 249 East Terrace Ave. and Mr. Robert Andreano, 247 East Terrace Ave. last Thursday evening.

Mayor Wordelmann indicated to Ms. Williams that the Zoning Board of Appeals is their own governing body and that the Board of Trustees has no say in the decision making. Mayor Wordelmann said he spoke with Village Attorney Edward P. Wright who advised him that at this point it becomes a civil matter.

Mr. Wright indicated to Ms. Williams that the start time for the meeting as noted in the legal notice was for 6:30 PM. The Zoning Board of Appeals met at that time, conducted the public hearing and rendered a decision on the area variance applications as submitted by Mr. Thorpe and Mr. Andreano. Once a decision is rendered by the Board of Appeals any appeal must go through the civil court system.

Ms. Williams said she in effect will be forced to get an injunction to prevent the issuance of building permits to Mr. Thorpe and Mr. Andreano. Ms. Williams said she was hoping to avoid that particular scenario at all cost, but will do what she has to do. She noted Peter D. Clark, Esq., will be representing her on this matter.

Another subject she would like for the Village of Lakewood to take a look at is the former canal property which abuts her property to the west. It is a collection area for the neighborhood's stormwater and has become a swamp.

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She said years ago the Village of Lakewood considered deeding half of the property to each of the abutting property owners. She and other property owners would like to be able to fill in the land but are hesitant to do so because they don't own the property. So far nothing has been done. Ms. Williams said although this summer has been one of the driest on record, the long wet grass in this area is difficult to mow and she is not going to maintain it any longer. Ideally she and her neighbors would like the property level and dry.

Mayor Wordelmann wondered if it is legal to fill in the property in question, but told Ms. Williams that the Village of Lakewood will look into the matter.

#### APPROVAL OF MINUTES

Motion by Trustee Denn, seconded by Trustee Troche, to approve the minutes of the last regular meeting of the Board of Trustees, held July 23, 2012.

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

#### AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Troche, that the claims as audited by the Auditing Committee of the abstracts dated July 31, 2012 and August 13, 2012, be approved and that the Clerk shall execute said abstracts, (#9, #10 & #11) and direct payment by the Treasurer. General Fund:

\$ 43,876.04, (Checks #8764 thru #8768), \$ 61,557.68, (Checks #8769 thru #8837) NOTE: Checks #8782, #8796 & #8820 were voided. Trust & Agency Fund: \$ 56,299.84, (Checks #2104 thru #2127)

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

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that with equipment and manpower assistance from the Town of Busti and the Town of Kiantone the paving projects on Packard Ave. and Laurel Street were completed last week. As mentioned earlier Mr. Pilling noted that Suit-Kote will be applying a slurry seal to Chautauqua Ave. towards the end of August. Mr. Pilling also reported that the Jamestown Board of Public Utilities has started installing a new water main on Spruce Street.

Trustee Susan F. Drago indicated to Mr. Pilling she received a phone call from a resident who has serious concerns about residents placing brush and other yard waste in drainage ditches near catch basins which could cause them to clog-up and overflow. She said in some cases brush and yard waste sits along the edge of the road for two to three weeks which becomes an eyesore for some.

Mr. Pilling indicated to Trustee Drago that the D.P.W. picks up brush and other yard waste once a month in each of the four quadrants. Ideally if residents placed their brush and other yard waste out on the Sunday before their scheduled pick-up we wouldn't have that particular problem.

Trustee Drago asked is there any way to let residents know when they should put out their material for pick-up.

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Mr. Pilling said brush handling is a big problem that has become more expensive to manage every year.

Mayor Wordelmann suggested if a resident regularly piles up brush or other yard waste in the street and becomes an eyesore, they should be notified of the hazard they've created and given some guidelines for subsequent pick-ups.

Trustee Denn asked Mr. Pilling if there are plans to do any more sidewalk work on Lakeview Ave., between Rt. 394 and the railroad tracks.

Mr. Pilling said he is hopeful more sidewalk work can be done on Lakeview Ave., West Third Street and Ohio Ave. before the end of the construction season.

Mr. Pilling also reported that Mr. Pat Marlinski, of Marlinski Landscape & Stone Work, Lakewood, N.Y., donated his time and talent in creating a new flower garden at the corner of Packard Ave. and Chautauqua Ave.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered seven thousand one hundred forty reportable incidents year-to-date. Chief Bentley indicated he has created a police chaplain position which Peter G. Dawson, 22 Lakeview Ave., has agreed to volunteer for. Chief Bentley also reported that the radar trailer which was parked along the shoulder of Rt. 394, was severely damaged when it was struck by a motorist the afternoon of July 25, 2012. The radar trailer is at C & A Auto & Marine, Celoron, N.Y., awaiting inspection by the insurance adjustor. Chief Bentley concluded his report by saying the department is investigating a few burglaries in the township and have an arrest on one of the them.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to four hundred eighty-three alarms year-to-date. Chief Hallberg wished to thank Mayor Wordelmann and the Board of Trustees for opting to provide additional accident and sickness coverage to members of the Lakewood Volunteer Fire Department and its auxiliary through a plan offered by VFIS, which is headquartered in York, PA.

Village Attorney Edward P. Wright reported that he recently had two lengthy conversations with Mr. Christopher Holiday a representative from the Federal Aviation Agency, who inspected the area used as a makeshift helipad by Dr. Gordon Wuebbolt, 1 Vista Way. Mr. Holiday could not find where he is in violation of any F.A.A. regulations. Mr. Holiday was going to talk with Dr. Wuebbolt and ask that he consider discontinuing the use of the land adjacent to West Lake Street as a helipad.

Mr. Wright said he had a discussion with Town of Busti Judge Lyle T. Hajdu about the possibility of arraigning individuals on the first floor of the police station rather than in the upstairs courtroom. Mr. Wright added there are a few logistical issues to be worked out with respect to some forms and recording equipment.

Village Treasurer Andrea J. Windoft was pleased to report that sales tax revenue received increased about 4.25% when compared with the corresponding period a year ago.

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COMMITTEE REPORTS

Trustee Denn indicated that as a member of the Building Committee noted that Painting Unlimited, Jamestown, N.Y., has satisfactorily completed the painting of the overhangs, former hose tower and other trim on the Anthony C. Caprino Municipal Building. He added it looks nice.

Trustee Troche asked Department of Public Works Supervisor Thomas R. Pilling if he could research the required distances with respect to the installation of a no parking sign near an intersection.

Mayor Wordelmann indicated that the Board of Trustees will enter into a short executive session later this evening to discuss the ongoing negotiations in connection with the police services contract/agreement between the Village of Lakewood and the Town of Busti.

RESOLUTION #34-2012-2013 – AUTHORIZE FALL TRAINING SCHOOL ATTENDANCE

Motion by Trustee Troche, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft and Deputy Clerk/Treasurer Mary B. Currie to attend the 57<sup>th</sup> Annual Fall Training School to be held in Lake Placid, New York, September 10<sup>th</sup> – September 14<sup>th</sup>. The Village Treasurer and Deputy Clerk/Treasurer will be reimbursed for any legal expenses incurred.

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

RESOLUTION #35-2012-2013 – APPROVE ROAD & SIDEWALK CLOSING

Motion by Trustee Denn, seconded by Trustee Troche to approve the closing off of Terrace Ave. from Pennsylvania Ave. to Owana Way to traffic during the 2<sup>nd</sup> Annual Hospice Cup Fun Ride, Saturday, September 1<sup>st</sup> and to approve the closing off of the sidewalk and parking spaces in front of Mindy's Place, for the 3<sup>rd</sup> Annual Lakewood Kid's Day also on Saturday, September 1<sup>st</sup>.

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

RESOLUTION #36-2012-2013 – APPROVE TRANSFER OF MONIES

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Village Treasurer to transfer monies from the Trust & Agency account T1093.5 (Memorial Fund) to account A-7510.40, (Historian) on an as needed basis to pay history committee related invoices.

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

RESOLUTION #37-2012-2013 – APPROVE ROAD CLOSING

Motion by Trustee Troche, seconded by Trustee Drago, to approve the closing of Locust Street, from Rt. 394, south to Mapleview Ave., for a neighborhood block party to be held from 1:00 PM to 6:00 PM, Saturday, September 15, 2012, with a rain date of Saturday, September 22, 2012.

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

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RECESS

Motion by Trustee Denn, seconded by Trustee Troche, to recess the regular meeting of the Board of Trustees at 6:56 PM, so as to enter into executive session to discuss the new police services contract/agreement between the Village of Lakewood and the Town of Busti.

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee Susan F. Drago, Trustee Joseph M. Troche, Village Attorney Edward P. Wright, Police Chief John R. Bentley, Town of Busti Supervisor Jesse Robbins and Town of Busti Councilman Richard Thor. Motion by Trustee Denn, seconded by Trustee Drago, to adjourn the executive session and to reopen the regular meeting at 7:28 PM.

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

Motion by Trustee Denn, seconded by Trustee Troche, and unanimously carried the Board adjourned at 7:29 PM.

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Joseph M. Johnson  
Village Clerk