

SEPTEMBER 10, 2012

The twelfth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, September 10, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago, Joseph M. Troche and John Jablonski. Also present were Village Clerk Joseph M. Johnson, Village Attorney Edward P. Wright, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent was Village Treasurer Andrea J. Windoft.

ANYONE TO BE HEARD

Mr. Wayne Nordine, #13 Monticello Court, appeared before Mayor David T. Wordelmann and the Board of Trustees to bring to their attention a few issues as he sees them, regarding how the mobile home park is managed by its owners, who live in Wexford, PA. Mr. Nordine said since Pollier Rentals, Inc., purchased the mobile home park, known as Monticello Park, in 2005, they have forced most of his neighbors to leave. He said of the eighteen mobile homes in the park, there are only three original tenants. Mr. Nordine also stated that he believes there are known sex offenders and individuals involved with illegal drug activity living in the mobile home park.

Mayor Wordelmann asked Mr. Nordine what exactly would he like for the Village of Lakewood to do, adding it sounds as if it is a problem between the tenants and the mobile home park owner.

Mr. Nordine asked who owns the portion of Muto Street which abuts the lots on which the mobile homes are located.

Mayor Wordelmann indicated to Mr. Nordine that particular question will be researched to see if there was some kind of agreement between the original developers of the park and the Village of Lakewood.

Mayor Wordelmann asked Building Inspector Charles L. Smith if the proper maintenance of private parking areas is something that is enforceable.

Building Inspector Smith said the New York State Property Maintenance Code does contain language that requires those businesses or enterprises that provide private parking areas for customers or tenants to maintain them at an acceptable level.

Mayor Wordelmann asked Mr. Smith to canvass private parking areas throughout the Village of Lakewood and to enforce the property maintenance code where necessary.

Mr. Nordine then reviewed an excerpt of the Village of Lakewood tax map with Mayor Wordelmann and members of the Board of Trustees showing where Muto Street is located in relation to the property owned by Pollier Rentals, Inc.

Mayor Wordelmann indicated to Mr. Nordine if the section of Muto Street which abuts property owned by Pollier Rentals, Inc. is indeed owned by the Village of Lakewood then we'll maintain it.

Trustee Joseph M. Troche asked Police Chief Bentley to comment on what Mr. Nordine said about the possible illegal drug activity at the mobile home park.

Chief Bentley indicated that there have been several drug arrests made at the mobile home park over the last few years.

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The Lakewood-Busti Police Department continues to monitor the situation at Monticello Park. If local police agencies have an opportunity to legally stop someone or legally enter the residence of someone believed to be involved in illegal drug activities they will. Continued police surveillance and some arrests have pressured some of those involved in illegal drug traffic to move out of the mobile home park.

Mayor Wordelmann asked Village Attorney Edward P. Wright and Building Inspector Smith if they knew of some local agency Mr. Nordine could contact to assist him in addressing the problems he is apparently having with his landlords.

Village Attorney Wright indicated it appears the problems Mr. Nordine is having with his landlords is strictly a civil matter.

Mr. Nordine said he believes the owners of the mobile home park are receiving school tax credits that they do not qualify for.

Mayor Wordelmann indicated to Mr. Nordine that is a question that should be directed to the assessor's office.

Mr. P.J. Wendel, Chautauqua County Legislator for District 18, appeared before Mayor Wordelmann and the Board of Trustees to let them know that he spoke with Mr. George Spanos, Director of the Chautauqua County Department of Public Facilities about striping the new pavement on East Terrace Ave. Mr. Spanos indicated it would be done when the new pavement on East Summit St. is striped. One can see that the new pavement on East Summit St., (county highway #110), has been striped however East Terrace Ave. has yet to be striped. Legislator Wendel said he will gladly make another call to Mr. Spanos to ensure that East Terrace Ave. is striped in the very near future.

Mr. Wendel indicated with the information he has been given, regarding the future Chautauqua County nursing home located in Dunkirk, N.Y., the most fiscally responsible thing for Chautauqua County to do is to sell it.

Mr. Wendel indicated that from a public safety standpoint the narrow band radio system is the route to go and what Police Chief Bentley is asking for to upgrade the police department's radio system is very reasonable.

Legislator Wendel said his frustration is having represented District 18 for nine months now and not much has been accomplished by the legislature. He said we haven't reduced the size of the county legislature, we haven't made any headway regarding the county nursing home and upgrading the radio system county wide and state wide is still an issue.

Trustee Joseph M. Troche indicated to Legislator Wendel that the numbers to operate and maintain the Chautauqua County nursing home are such that why in the world would they vote to keep the home. There are no ifs, ands, or buts about it. It makes fiscal sense to sell it.

Legislator Wendel indicated that it boils down to two positions. Being fiscally responsible or keeping with tradition. At best the county home stands to lose \$ 500,000.00 per year. That doesn't include what it costs annually to run the home. Some legislators wish to maintain the tradition of having a place for the county's older indigent residents.

Trustee Troche said if it were a business one would sell it.

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Trustee Gale A. Denn asked Legislator Wendel how many beds does the county home maintain.

Legislator Wendel indicated there are 215 beds in the county home.

Mayor Wordelmann indicated the biggest arguments against selling the county home are the union and the fact that some wish to maintain a health care facility for the county's indigent residents. All private nursing homes are required to provide a certain percentage of beds to indigent people.

Legislator Wendel said we need to take the politics out the equation with respect to this subject. He suggested that taxpayers contact their county legislators to voice their opinion on the matter.

Trustee Troche indicated to Legislator Wendel that the county legislature generates a lot of talk but very little action.

Legislator Wendel said he is hopeful that the matter of redistricting the county's legislative districts will come up before the legislature this November.

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 August 27, 2012.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Jablonski, that the claims as audited by the Auditing Committee of the abstracts dated September 10, 2012 be approved and that the Clerk shall execute said abstracts, (#14 & #15), and direct payment by the Treasurer. General Fund: \$ 25,279.17, (Checks #8878 thru #8907), Trust & Agency Fund: \$ 56,444.17, (Checks #2154 thru #2173)

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that work to replace a long section of sidewalk on Lakeview Ave., south of the railroad tracks has begun. Mr. Pilling also reported that the contractor Luvison Construction, of Youngsville, PA, has begun work to widen a couple of the overhead doors at the D.P.W. garage and that all scheduled road work has been completed with the exception of patching the excavation on Spruce Street where the Jamestown Board of Public Utilities have recently installed a new water line. Mr. Pilling said the water main excavation on Spruce Street will be patched before winter.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered over seven thousand eight hundred reportable incidents year-to-date adding things are steady but routine. Chief Bentley said the purchase of new portable narrow band radios is first and foremost right now.

SEPTEMBER 10, 2012 (CONTINUED)

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to five hundred thirty-one alarms year-to-date. Chief Hallberg then asked the Board of Trustees, acting as the Board of Fire Commissioners, for permission to sell some used equipment such as air packs and an ambulance cot. Chief Hallberg also announced that the Lakewood Volunteer Fire Department's open house will be held Saturday, October 13th, in conjunction with fire prevention week.

Building Inspector Charles L. Smith reported he is meeting with the general contractor for the new Olive Garden Italian Restaurant this week and expects work on the long awaited project to begin later this week or early next week. Mr. Smith also reported that he has received plans for a new shoe store to be located in the Chautauqua Mall.

Building Inspector Smith then asked Mayor Wordelmann and the Board of Trustees how they would like for him to enforce the rules for temporary (political) signs in that there is a two and one half week period between when political signs for the recent primaries must come down before they can be put back up for the November elections.

Trustee Jablonski said he believes political signs are a form of freedom of speech and therefore should not be regulated.

The consensus of the Board of Trustees was because there is a section in the local zoning law that deals with temporary/political signs then the local zoning law should be enforced.

Building Inspector Smith said he acquired a copy of the Village of Fredonia's sign ordinance which includes a section on electronic signs, which should be something to look at when the Village of Lakewood considers amending its zoning law later this year. In the interim Mr. Smith said he has informed those operating electronic signs asking that they adjust them accordingly so as not to be a distraction to motorists driving along Rt. 394.

Mayor Wordelmann reminded members of the Board of Trustees they will be meeting with the Zoning Board of Appeals following their regular meeting which is scheduled for 6:30 PM, Thursday, September 13, 2012.

COMMITTEE REPORTS

Trustee Susan F. Drago, Chairman of the Auditing Committee reported that she and Trustee John Jablonski recently conducted the end of year audit of the financial records for the fiscal year ending May 31, 2012, and were found to be satisfactory.

RESOLUTION #40-2012-2013 – ISSUE NEGATIVE DECLARATION PER SEQR

Motion by Trustee Troche, seconded by Trustee Denn, that as Lead Agency for the Olive Garden Italian Restaurant project, as it relates to compliance with the State Environmental Quality Review Act, (SEQR), the Village of Lakewood hereby agrees to issue a Negative Declaration stating that any environmental concerns identified during this project's review process will not be significant.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

SEPTEMBER 10, 2012 (CONTINUED)

RESOLUTION #41-2012-2013 – APPROVE NARROW BAND RADIO PURCHASE

Motion by Trustee Denn, seconded by Trustee Troche granting Police Chief John R. Bentley approval to purchase new portable narrow band radios for each officer, plus one spare radio, per new Federal Communications Commission regulations that will become effective January 1, 2013. Total cost of the new portable narrow band radios shall not exceed \$ 43,000.00.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #42-2012-2013 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Drago, seconded by Trustee Denn, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 2,750.00 from the General Fund Savings account to the Bond & Coupon account for the interest payment for the Public Improvement Serial Bond due October 1, 2012.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #43-2012-2013 – APPROVE COLLECTION OF UNPAID VILLAGE TAXES

Motion by Trustee Troche, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to forward any and all unpaid 2012-2013 Village Tax Bills to the Chautauqua County Division of Taxation, Mayville, N.Y., for collection or eventual levying onto the 2013 Town & County tax bills. :

Unpaid 2012-2013 tax bills are payable to the Village of Lakewood on or before September 30, 2012.
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #44-2012-2013 – AUTHORIZE SALE OF SURPLUS EQUIPMENT BY THE L.F.D.

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Fire Chief Kurt W. Hallberg to sell surplus fire department equipment, namely a number of used air packs and a used ambulance cot. Monies generated from the sale of the used equipment shall be deposited into the Village of Lakewood's general fund.

Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

COMMITTEE REPORTS

Trustee Jablonski indicated that he and Mayor Wordelmann have been serving on an inter-municipal commission made up of mayors, town supervisors and others overseeing the proper management of the Chautauqua Lake watershed. Trustee Jablonski mentioned that Don McCord, of the Chautauqua County Planning Department is preparing amendments to the site plan review process which will take into consideration erosion control. If adopted by the municipalities within the boundaries of the Chautauqua Lake watershed, erosion control practices for developmental projects would then become enforceable by code officers. Trustee Jablonski noted that the next meeting of this commission will be held Thursday, October 4, 2012, 6:15 PM, at the North Harmony community center in Stow, N.Y.

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Motion by Trustee Denn, seconded by Trustee Troche, and unanimously carried the Board adjourned at 7:35 PM.

Joseph M. Johnson
Village Clerk