

SEPTEMBER 24, 2012

The thirteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, September 24, 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 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.

VILLAGE SEAL UNVEILING

Mayor David T. Wordelmann opened the meeting by welcoming everyone in attendance and with assistance from Village of Lakewood Historian Anthony G. Barone proceeded to unveil the Village Seal. Mayor Wordelmann wished to thank Mr. Barone for all he has done during his tenure as historian and for his role in the Village seal contest. The winning entry was submitted by former Village of Lakewood resident Mr. Bruce Bradford.

ANYONE TO BE HEARD

Mr. John Rowan, 10 Park Lane, and owner of the single family residence at 8 New York Ave., appeared before Mayor Wordelmann and the Board of Trustees to again bring to their attention a potentially dangerous situation related to the parking scheme at the Chautauqua Lake Yacht Club. He noted that in the ten years since purchasing 8 New York Ave. the yacht club has doubled its membership. Mr. Rowan indicated that when there are regattas and other big events at the yacht club people are parking on both side of the street in a helter-skelter fashion. He went on to say that he witnessed a situation where a child on an electric scooter came down the sidewalk on the west side of New York Ave., cut over his driveway into the street and nearly got hit. He said it's an accident waiting to happen. Mr. Rowan said it would be his suggestion to put up no parking signs along the west side of New York Ave. Mr. Rowan said first and foremost he doesn't want to see anyone get hurt and secondly he doesn't want to be on the receiving end of a law suit if someone does. He wants to go on record as notifying the Village of Lakewood of a dangerous situation and will likely follow-up with a letter to the Village of Lakewood asking he be indemnified from any loss relating to the parking scheme at the Chautauqua Lake Yacht Club.

Mr. Rowan said another suggestion he would like to make, without creating waves between departments, relates to the brush dump located on Packard Ave. He said instead of having members of the Department of Public Works crew break up their Saturdays after working all week to open and close the gates to the brush dump, an on duty officer from the Lakewood-Busti Police Department should make it part of his or her routine.

Mayor Wordelmann asked Building Inspector Smith how are the parking requirements for the Chautauqua Lake Yacht Club determined.

Building Inspector Smith indicated that parking at the yacht club is tied to what is required for eating and drinking establishments which calls for one parking space for every four seats or one parking space for every 200 sq. ft of floor area which ever is greater.

Village Attorney Edward P. Wright asked by posting no parking signs on the west side of New York Ave. from East Terrace Ave. to East Lake Street would it impact the owner of 25 East Terrace Ave.

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Trustee Susan F. Drago noted that because this particular problem was brought to our attention over a year ago it is something that should be looked into.

Mayor Wordelmann indicated it would be a good idea to meet with the Chautauqua Lake Yacht Club's Board of Directors to discuss the parking issues that have surfaced and attempt to resolve them in a manner that is satisfactory to all parties involved.

Village Historian Anthony G. Barone indicated that he would first to congratulate Mr. Bruce Bradford, a former village resident, on winning the Village of Lakewood seal contest. Mr. Barone would also like to thank DFT Communications, for co-sponsoring the contest and providing a gift certificate to its winner. Finally, Mr. Barone wished to thank Hanson Sign Companies for their work in making the seal.

Mr. Barone then invited everyone to the History Museum's first anniversary and open house to be held Saturday, September 29th, from noon to 5:00 PM. Refreshments will be served and visitors will receive a free Christmas ornament.

Mayor Wordelmann again thanked Mr. Barone and the entire history committee for all they've done this past year in promoting the Village of Lakewood's wonderful history.

Mr. Wayne Nordine, #13 Monticello Court, said when he appeared before Mayor Wordelmann and the Board of Trustees two weeks ago he asked the question who owns Muto Street. He is here again this evening to see if anyone knows anymore about the section of Muto Street that traverses the mobile home park.

Village Clerk Joseph M. Johnson indicated to Mr. Nordine that while researching the minutes of the Board of Trustees for the period from the mid-sixties to the late seventies there was no mention of the Village of Lakewood abandoning that section of Muto Street, but that is not to say there might have been a verbal agreement between the Village of Lakewood and the original developer of the Monticello Mobile Home Park regarding the status of Muto Street.

Mr. Nordine said he was recently cited by the Chautauqua County Health Department for having trash out in front of his trailer. He noted it was set out in front of his trailer the day before it was to be picked up by the Village of Lakewood's garbage contractor. He asked when can I put out my garbage for collection without fear of being cited.

Building Inspector Charles L. Smith indicated that mobile home parks are licensed and regulated by the Chautauqua County Health Department and they must have done their regular inspection a day before the scheduled trash pick-up.

Mayor Wordelmann indicated to Mr. Nordine that his concerns are likely a civil matter between he and his landlord.

Trustee Troche indicated to Mr. Nordine that the Village of Lakewood will continue to research the status of the section of Muto Street located within the Monticello Park and let you know if and when something is found.

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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 September 10, 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 24, 2012 be approved and that the Clerk shall execute said abstracts (#16 & #17) and direct payment by the Treasurer. General Fund: \$ 70,618.75, (Checks #8908 thru #8951) NOTE: Check #8915 was voided. Trust & Agency Fund: \$ 52,495.32, (Checks #2174 thru #2190)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated that Independent Health on the corner of Chautauqua Ave. and West Summit Street is going to be conducting a sales promotion in October and November and has asked if the Village of Lakewood could establish four temporary handicapped parking spaces to better serve their clientele during those two months. Mr. Pilling said if the Board of Trustees' has no objection he would like their permission to do so.

Mr. Pilling also reported that with assistance from the Town of Busti Highway Department's excavator the D.P.W. crew did a tremendous amount of work to improve the management of stormwater that flows down the undeveloped portion of Spruce Street between Grandview Ave. and Mapleview Ave.

Mr. Pilling a small fire was discovered in the roof of the D.P.W. garage the morning of September 14th which was quickly extinguished by the Lakewood Volunteer Fire Department. It is suspected that Luvison Construction, Youngsville, PA, the contractor working on the new doors sparked the fire after using a cutting torch on nearby steel beams the day before. The fire damaged a small section of the roof, which has since been repaired by Jamestown Roofing, Inc., Jamestown, N.Y.

Trustee Jablonski asked Mr. Pilling if the excavated areas of the Spruce Street "paper street" were going to be stabilized in any way.

Mr. Pilling indicated that grass seed will be planted down the slope of the "paper street" which should stabilize the soil. He went on to say that there are several containment areas that will hold the water and thereby slow the stormwater down reducing the chances of any soil erosion from occurring.

Trustee Jablonski then asked D.P.W. Supervisor Pilling to take a look at the open ditch off Winding Way to see what could be done to stabilize that area, and suggested that matting be used to do so.

Mr. Pilling indicated to Trustee Jablonski that there is some work yet to be done regarding that particular stormwater drainage area.

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Trustee Jablonski wished to compliment D.P.W. Supervisor Thomas R. Pilling and his crew for the work they did on Spruce Street (paper street) to control the stormwater run-off which reduces the potential for erosion. The work done with the rock at the base of the slope is a real improvement over how things were done in the past. Trustee Jablonski commended Mr. Pilling for embracing this project and thanked the Village of Lakewood for its support of the project.

Mayor Wordelmann seconded Trustee Jablonski's comments and said the work Mr. Pilling and his crew did with the limestone rip rap along the drainage ditch between Elizabeth Street and Locust Street should also be commended.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered eight thousand four hundred thirty-seven reportable incidents year-to-date.

Chief Bentley indicated that Officer Jarrett D. Reed is in attendance tonight to briefly explain his role as the Lakewood-Busti Police Department's Juvenile Officer and to answer any questions members of the Board of Trustees may have regarding the New York State Police Juvenile Officers Association Training Conference he recently attended in Lake Placid, N.Y.

Officer Reed indicated to Mayor Wordelmann and the Board of Trustees that any juvenile related matter gets forwarded to him. The training conference he attended in Lake Placid, N.Y., provided the necessary instruction to become certified as a Juvenile Police Officer in New York State.

Trustee Gale A. Denn asked Officer Reed to share with the Board of Trustees the type of curriculum that was offered at the training conference.

Officer Reed indicated the conference included forty hours of training on records access, interviewing procedures, juvenile behavior, mandatory referrals to Child Protection Services (CPS), etc.

Trustee Denn asked Officer Reed if there has been an increase in crimes involving juveniles.

Officer Reed indicated he became the department's Juvenile Officer when Officer Gordon L. Carlson retired last December, so he is still settling into his new role. Officer Reed said there have been approximately fifteen juvenile cases so far this year, two of which have involved sex offences.

Chief Bentley continued his report by noting that four officers recently attended a search warrant school sponsored by the New York State Department of Criminal Justice Services which was held at Jamestown Community College.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to five hundred fifty-seven alarms year-to-date. He also indicated that annual physicals for interior and exterior fire fighters will now be performed by Dr. Robert Burke instead of Occustar, Inc., which should result in some cost savings. Fire Chief Hallberg reminded everyone of the Lakewood Fire Department's open house on Saturday, October 13th, which coincides with fire prevention week. Fire Chief Hallberg then asked the Board of Trustees, acting as the Board of Fire Commissioners for permission to give fire truck rides during the open house on October 13th.

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Village Attorney Edward P. Wright reported that Mr. Matthew W. Churchill, 169 Front St., who filed a Notice of Claim with the Village of Lakewood relative to a domestic dispute the morning of July 31, 2009, has pleaded guilty to disorderly conduct and because the statute of limitations, there will be no law suit pending against the Village of Lakewood.

Village Treasurer Andrea J. Windoft asked Mayor Wordelmann if there has been any further discussions or decisions whether to apply for a credit/purchase card. Mrs. Windoft also indicated that the contract with DFT Communications regarding the proposed fiber optic service has been amended to include a stub connection for the Lakewood Fire Department, per the suggestion of Building Inspector Charles L. Smith. Mrs. Windoft said Mrs. Ellen DiTonto of DFT Communications will prepare a new contract for Mayor Wordelmann's signature.

Mayor Wordelmann suggested that the matter regarding a Village of Lakewood credit/purchase card be put on the agenda for the next regular meeting of the Board of Trustees scheduled for October 8, 2012.

Building Inspector Charles L. Smith reported that four new build-outs are planned for the Chautauqua Mall in the near future. One is a Chinese restaurant and another is a shoe store. Mr. Smith said he doesn't know what the remaining two stores are going to be.

Mr. Smith also reported that he recently met with Ms. Rebecca J. Anderson, who is the regional New York State Department of Environmental Conservation Floodplain Regulation Specialist, who was pleased with everything the Village of Lakewood was doing relative to floodplain management. Building Inspector Smith said Ms. Anderson shared some interesting flood insurance statistics with him. There are eighteen flood insurance policies on properties within the Village of Lakewood with premiums of \$12,900.00 insuring \$ 3,200,000.00 worth of property with losses paid out since 1978 at \$ 23,400.00.

VILLAGE OFFICIALS' POSITION ON THE CHAUTAUQUA COUNTY NURSING HOME

Mayor David T. Wordelmann wished to share his personal viewpoints on the question before the Chautauqua County Legislator, whether to continue to maintain the Chautauqua County nursing home at an annual loss or sell it to the private sector.

There are those naysayers that will say that it is not our place to take a stance on matters that are out of our jurisdiction. But I believe there are times in life when we are asked to stand up and be counted and this is one of those times. Because a public referendum is out of the question, I feel the County Legislature should hear the voices of all county residents. As duly elected representative of the taxpayers of the Village of Lakewood, I feel we have a responsibility to weigh in on the subject of the sale of the county home.

The decision on whether to keep or sell the county home should not be based on one's political party, but rather on its fiscal merit. The county home has long been bleeding red ink for years and will continue to do so for years to come. The legislature has a unique and possibly one time opportunity to sell the county home and relieve the county taxpayers of this financial burden once and for all. I can personally sympathize with what the workers of the county home are going through in regards to possible pay cuts or job loss, because of what I recently witnessed in my own company. Private businesses across the country are making these same decisions on a daily basis in order to save their companies from bankruptcy.

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I don't believe that government should be in the business of subsidizing jobs for the sake of creating or keeping jobs, especially when those jobs can and should be provided by the private sector. We need not look any further locally than the job that Lutheran Social Services, Heritage Village, Frewsburg Rest Home and many other private companies and facilities do to provide quality care to their residents, to see that this type of service can be provided more effectively and efficiently by a private company.

Therefore I ask that the Lakewood Village Board to consider the following resolution and join our friends on the Town of Ellicott Board in adding to the chorus that is calling on the county legislature to do what is fiscally responsible and sell the county home.

Trustee Joseph M. Troche said four years ago he was checking some of the financial statistics and said then the county home should be sold. The county home should be run like a business. If it can not be run at a profit then people need to let it go and sell it.

Trustee Susan F. Drago indicated that Legislator P.J. Wendel expressed it very well two weeks ago when he spoke of the frustration in seeing the county home losing money on a daily basis while being supported and subsidized by county taxpayers.

Trustee Gale A. Denn said his concern is for the poor and indigent of Chautauqua County, but it is his understanding that a certain percentage of beds in privately run nursing facilities must be made available to those who might not be able to afford private nursing home care. With that said we would not be closing the door on those individuals who can least afford private nursing home care. Trustee Denn said he would therefore support a resolution by the Board of Trustees urging the Chautauqua County Legislature to sell the Chautauqua County Nursing Home.

Trustee John Jablonski indicated he has relatives living in the northerly half of Chautauqua County and he didn't agree with everything Legislature Wendel said about the county home two weeks ago. Trustee Jablonski said he believes it is a positive health care facility that is run well and people prefer the county home over some of the privately run nursing facilities. By selling the county home people would lose that quality of care. Trustee Jablonski said as a representative of the taxpayers of the Village of Lakewood, to protect the taxpayers, he would support a resolution asking for the sale of the Chautauqua County Nursing Home.

Trustee Drago wished to clarify that Legislator Wendel never said the county home wasn't a well run institution.

RESOLUTION #45-2012-2013 – SUPPORT THE SALE OF THE CHAUTAUQUA CO. NURSING HOME

Motion by Trustee Denn, seconded by Trustee Troche that the Lakewood Village Board stands with our County Legislator P.J. Wendel, in regards to the proposal to sell the Chautauqua County Nursing Home. The Lakewood Village Board believes the county home can be run more efficiently by a private company. We feel this is a unique and possibly one time opportunity and we urge the entire Chautauqua County Legislature to vote to relieve the county taxpayers of this financial burden and sell the Chautauqua County Nursing Home.

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

SEPTEMBER 24, 2012 (CONTINUED)

RESOLUTION #46-2012-2013 – AUTHORIZE TEMPORARY NO PARKING SIGNS

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Department of Public Works Supervisor Thomas R. Pilling to erect four temporary handicapped parking only signs at the intersection of Chautauqua Ave. and West Summit Street, per the request of the Independent Health office at 66 Chautauqua Ave., in connection with a sales promotion during the months of October and November.
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #47-2012-2013 – AUTHORIZE FIRE TRUCK RIDES

Motion by Trustee Drago, seconded by Trustee Troche, per the request of Fire Chief Kurt W. Hallberg, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize the Lakewood Volunteer Fire Department to give fire truck rides during their annual open house to be held Saturday, October 13th, from 11:30 AM – 3:30 PM.
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #48-2012-2013 – AUTHORIZE FUND TRANSFER

Motion by Trustee Troche, seconded by Trustee Denn, authorizing Village Treasurer Andrea J. Windoft to transfer the remaining balance of \$ 1,987.12 from the Historian Equipment Account, (A-7510.20) into the Historian Contractual Account (A-7510.40).
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #49-2012-2013 – AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Denn, seconded by Trustee Drago, authorizing the Lakewood Fire Department to make use of Chautauqua Ave., (Terrace Ave. to Packard Ave.), as the route for this year's annual Halloween costume parade to be held Wednesday, October 31st, from 5:30 – 6:30 PM.
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #50-2012-2013 – REAPPOINT REGISTRARS OF VITAL STATISTICS

Motion by Trustee Troche, seconded by Trustee Drago, to reappoint Village Clerk Joseph M. Johnson as Registrar of Vital Statics and Village Treasurer Andrea J. Windoft as Deputy Registrar of Vital Statics to new four (4) year terms, effective October 1, 2012.
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RECESS

Motion by Trustee Jablonski, seconded by Trustee Troche, to recess the regular meeting of the Board of Trustees at 7:28 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.
Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

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EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee Susan F. Drago, Trustee John Jablonski, Trustee Joseph M. Troche and Village Attorney Edward P. Wright.

Motion by Trustee Troche, seconded by Trustee Denn, to adjourn the executive session and to reopen the regular meeting at 8:28 PM.

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

Motion by Trustee Denn, seconded by Trustee Troche, and unanimously carried, the Board adjourned at 8:29 PM.

Joseph M. Johnson
Village Clerk