

OCTOBER 8, 2012

The fourteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, October 8, 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, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent was Department of Public Works Supervisor Thomas R. Pilling.

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 September 24, 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 October 8, 2012 be approved and that the Clerk shall execute said abstracts (#18 & #19) and direct payment by the Treasurer. General Fund: \$ 124,393.53, (Checks #8952 thru #8993). Trust & Agency Fund: \$ 52,530.88, (Checks #2191 thru #2205)

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

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered eight thousand eight hundred twenty-six reportable incidents year-to-date. Chief Bentley also reported that last week members of the Lakewood-Busti Police Department assisted in the capture of an individual involved in a strong armed robbery in the City of Jamestown, that included a high speed chase which ended near the five corners in the hamlet of Busti when the tires on the perpetrator's car were punctured by a set of "stop spikes" deployed by Officer J.G. Spencer. The same individual was identified as the person who recently committed a strong armed robbery in the Wal-Mart parking lot.

Chief Bentley also indicated two officers from the Lakewood-Busti Police Department who are members of the Forensic Identification Team (FIT), have assisted in the evidence gathering and investigation of the two homicides that recently took place.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to six hundred fifty five alarms year-to-date. He also reported that the 2006 Ford ambulance (A-371) is out of service but is hopeful it will be repaired by tomorrow or Wednesday.

Mayor David T. Wordelmann asked Chief Hallberg if it is feasible to have a back-up ambulance.

Chief Hallberg said that particular idea has been discussed among fire department members with some members in favor and some opposed. Chief Hallberg said he has given some thought to keeping the ambulance as a back-up when Medic-37 needs to be replaced because they essentially carry the same equipment, but the ambulance is able to transport patients.

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Mayor Wordelmann asked Chief Hallberg if there has been any thought given to charging non-residents for transport to W.C.A. Hospital in Jamestown, N.Y.

Chief Hallberg said in order to charge patients for transport to the local hospital it would be necessary to establish a private ambulance service within the fire department, adding he would have to do some research on the matter.

Building Inspector Charles L. Smith indicated that in order for volunteer fire departments to charge patients for transportation to local hospitals the State of New York will need to change some of its rules and regulations.

Trustee Joseph M. Troche asked Chief Hallberg if he or someone else could kindly look into this particular matter and report back to the Board of Trustees, which act as the Board of Fire Commissioners.

Chief Hallberg said there have been thoughts given to the idea to send a letter to those non-residents who have been transported to W.C.A. Hospital asking if they would be willing to make a donation to the Lakewood Fire Department.

Building Inspector Charles L. Smith reported that the Village of Lakewood's Emergency Response Plan has been updated and distributed to Mayor Wordelmann, the Board of Trustees and respective department heads.

COMMITTEE REPORTS

Mayor Wordelmann indicated he recently attended a meeting of the Inter-Municipal Committee which is made up of mayors and supervisors of villages and townships abutting Chautauqua Lake and oversees the management of the Chautauqua Lake Watershed wishes to draft a letter to the New York State Department of Environmental Conservation asking that they require local waste water treatment facilities to make improvements to their facilities which will remove all phosphates from the sewer effluent. Mayor Wordelmann indicated he was opposed to the idea in that he is against any additional regulations imposed by the N.Y.S. D.E.C. but more importantly the exorbitant cost it would be for the local waste water treatment facilities. In essence the cost to remove the phosphates would be paid for by the respective sewer district customers via increased sewer user fees. Mayor Wordelmann wished to make it clear he is not against removing the phosphates, but until state and federal funding is available, the cost should not be directly incurred by county taxpayers.

Trustee Jablonski indicated that the algae problem in Chautauqua Lake this past summer has people worried about lakefront property retaining its value. A decline in property values would mean a reduced tax base for all the townships and villages abutting Chautauqua Lake, which would be a major fiscal problem for all the municipalities. Trustee Jablonski said it is very important to address the problem of phosphates entering the lake which fuels algae growth as quickly as possible.

Village Attorney Edward P. Wright asked Trustee Jablonski if he were to rank the ways in which phosphates and other nutrients enter the lake, where would sewer treatment facilities be ranked.

Trustee Jablonski indicated that agriculture is the number one contributor however the sewer treatment plants servicing the Village of Mayville and the Chautauqua Institution also discharge a significant amount of phosphates into Chautauqua Lake.

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Changes in how waste water is treated in these two sewer treatment plants can be made to reduce the amount of phosphates discharged into the lake but it is very costly.

Village Attorney Wright suggested that a majority of the phosphates impacting the lake's condition are already trapped in the lake when compared with the amount of phosphates entering the lake.

Trustee Jablonski agreed.

DISCUSSION ON CREDIT CARD APPLICATION/USE

Trustee Troche indicated before the Village of Lakewood applies for a credit card some rules and regulations regarding their use should be established.

Building Inspector Charles L. Smith indicated Chautauqua County utilizes a credit card program with a travel card and a purchase card, which makes it easier to itemize the various charges.

Mayor Wordelmann said the whole idea for having a Village of Lakewood credit card is to have the option of making inexpensive purchases at businesses the Village of Lakewood does not have an account with, without going through the process of producing a purchase order and individual remittance check.

Trustee Denn indicated that rather than belabor this discussion before the Board of Trustees this evening, suggested that Mayor Wordelmann form a committee and work with the Village Attorney to set-up some rules and regulations on credit card use and appropriate disciplinary action if an individual misuses the credit card.

Village Treasurer Andrea J. Windoft reminded Mayor Wordelmann and the Board of Trustees that she provided them a copy of a very thorough set of rules and regulations that Chautauqua County follows with respect to credit card use.

Mayor Wordelmann asked Trustee Denn and Trustee Drago, members of the Auditing Committee, if they would, with guidance from Village Attorney Wright, draft some rules and regulations regarding credit card use and report back to the Board of Trustees.

RESOLUTION #51-2012-2013 – APPROVE AMENDED OPTION AGREEMENT

Motion by Trustee Denn, seconded by Trustee Jablonski to approve the amended Option Agreement between the Village of Lakewood and Ms. Betsy H. Shults, whereby Ms. Shults agrees to obtain the necessary permits for the construction of an approved mixed use building at 140-144 Chautauqua Ave., prior to January 31, 2013 and to complete construction of the building's exterior shell prior to September 30, 2013, and to authorize Mayor David T. Wordelmann to execute same.

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

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RESOLUTION #52-2012-2013 – SET HALLOWEEN TRICK OR TREAT HOURS

Motion by Trustee Drago, seconded by Trustee Jablonski, to set 6:00 PM – 8:00 PM, as the hours designated for Trick or Treat in the Village of Lakewood on Halloween, Wednesday, October 31, 2012. Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #53-2012-2013 – AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Denn, seconded by Trustee Jablonski, authorizing the Chautauqua Strider to make use of village streets to conduct their second annual Winter Series of five 5K road races to be held January 5th, January 12th, January 26th, February 2nd and February 16th. NOTE: The route will be the same one used for the annual Amy King Memorial 5K Run. Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #54-2012-2013 – SET TIME AND DATE FOR PUBLIC HEARING

Motion by Trustee Denn, seconded by Trustee Troche to set 6:45 PM, Monday, October 22, 2012 as the time and date to conduct a public hearing to review an application for Site Plan Review as submitted by Ms. Betsy H. Shults, 1 Pine Ave., regarding a proposal to construct an 87 ft. x 118 ft. two story mixed use commercial and residential building at 140 – 144 Chautauqua Ave. In accordance with Section #25-85, [Site Plan Review], of the Village of Lakewood Zoning Law, the development of 5,000 sq. ft. or more of commercial floor space requires site plan review. Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #55-2012-2013 – SET TIME AND DATE FOR PUBLIC HEARING

Motion by Trustee Troche, seconded by Trustee Denn, to set 7:00 PM, Monday, October 22, 2012 as the time and date to conduct a public hearing to review an application for a Special Use Permit as submitted by Mr. Lawrence G. Spacciapoli, 4586 West Lake Road, Dunkirk, N.Y., regarding a proposal to establish a vehicle sales lot at 373 East Fairmount Ave., corner of Fairdale Ave. In accordance with Section #25-14 (C-10), [Highway Business (B-2) District] of the Village of Lakewood Zoning Law, the establishment of a vehicle sales lot in a B-2, Highway Business District requires a Special Use Permit. Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

RESOLUTION #56-2012-2013 – AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Troche, seconded by Trustee Drago, authorizing the Southwestern Central School's Student Council to make use of village streets for a run/walk fundraiser to be held Saturday, November 3rd. The run/walk will start and finish at Richard O. Hartley Park. Adopted: 4 ayes, no nays (Denn, Drago, Jablonski, Troche)

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RESOLUTION #57-2012-2013 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Troche, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to make a mid-year budget transfer of \$ 1,529.04 from Account A-7140.10, (Parks Salaries) to Account A-7140.11, (Lifeguard Salaries) to correct an overage.

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

RESOLUTION #58-2012-2013–APPROVE BREACH NOTIFICATION & COMPUTER
USE POLICIES

Motion by Trustee Troche, seconded by Trustee Denn, to approve the Breach Notification Policy and Computer/Internet Security Policy as mandated or recommended by the New York State Comptroller's Office, with the condition that all employees read and sign-off on the Computer/Internet Security Policy.

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

RECESS

Motion by Trustee Troche, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees at 7:20 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)

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 Denn, seconded by Trustee Jablonski to adjourn the executive session and to reopen the regular meeting at 7:57 PM.

Motion by Trustee Jablonski, seconded by Trustee Denn, and unanimously carried, the Board adjourned at 7:58 PM.

Joseph M. Johnson
Village Clerk