

DECEMBER 10, 2012

The eighteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, December 10, 2012, at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago, John Jablonski 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, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent was Department of Public Works Supervisor Thomas R. Pilling.

ANYONE TO BE HEARD

Mayor Wordelmann wished to welcome newly appointed Town of Busti Councilman Brett Muccheck to this evening's Village Board meeting and proceeded to congratulate him on his recent appointment.

Town Councilman Muccheck introduced himself and said he has been a Village of Lakewood resident for the majority of his life and just wanted to stop in tonight and say hello.

Ms. Betsy Johnson, representing the Lakewood Silver Sneakers, an exercise group that makes use of the Busti-Lakewood Recreation Center, 9 West Summit Street, appeared before Mayor Wordelmann and the Board of Trustees saying she and members of the exercise group are very concerned, after having read some recent newspaper articles, about the possibility of the recreation center closing its doors.

Mayor Wordelmann briefly explained to Ms. Johnson how the joint recreation budget worked in previous years and changes in how the Village of Lakewood has funded the program since discovering a surplus in the recreation department's budget the past two years. Mayor Wordelmann went on to say that last year the Village of Lakewood decreased its appropriation to the Town of Busti from \$ 15,000.00 to \$ 7,500.00 and this year the Village of Lakewood Board of Trustees voted to withhold any funding for 2013 until hearing from Town of Busti Officials on the status of the recreation account's surplus. It was the Board of Trustee's opinion that funding from the Village of Lakewood earmarked for recreation programs should not be used to maintain buildings owned by the Town of Busti. It doesn't make fiscal sense to fund a recreation program that appears to be self-sufficient and which makes a profit. Mayor Wordelmann indicated to Ms. Johnson if indeed the joint recreation department needs funding to operate the Village of Lakewood will provide it. He then assured her that the Busti-Lakewood Recreation Center and its programs aren't going anywhere.

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 November 26, 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 December 10, 2012 be approved and that the Clerk shall execute said abstracts (#27 & #28) and direct payment by the Treasurer. General Fund: \$ 279,240.50, (Checks #9116 thru #9157), Trust & Agency Fund: \$ 64,821.61, (Checks #2253 thru #2305)

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

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REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered ten thousand six hundred three reportable incidents year-to-date. Chief Bentley wished to publicly thank Dennis & Linda Scotty for their recent \$ 100.00 donation, which will be deposited into the police equipment fund. Chief Bentley also indicated that the Lakewood-Busti Police Department recently received a reimbursement of \$ 1,400.00 in connection with patrols and traffic stops for STOP-DWI. Chief Bentley also reported that at a recent Traffic Safety Committee meeting, he spoke with a NYS Department of Transportation engineer about the possibility of installing left hand turn arrows in the traffic control device at the intersection of Mall Blvd. and the Lakewood Village Center entrance/exit. Chief Bentley said the NYS DOT would look into the matter. Chief Bentley also indicated with the Town of Busti's permission Chautauqua County will be installing NO PARKING signs along the north side of Hunt Road from Big Tree Road west to the railroad tracks.

Chief Bentley also indicated that Part-Time Police Officer Daniel W. Hasson has accepted a full time position with the Chautauqua County Sheriff's Department effective December 20, 2012. With that said, Chief Bentley would like permission to hire another Part-Time Police Officer to fill the void that will be created with Officer Hasson's resignation.

Trustee Troche asked Police Chief Bentley what are the required qualifications for a part-time police officer.

Police Chief Bentley indicated applicants are required to have completed the basic police academy and have the equivalent of two years of college credits. For every open part-time police officer position, Chief Bentley said he receives on average about forty employment applications.

Fire Chief Kurt W. Hallberg reported that Lakewood Volunteer Fire Department has answered seven hundred eighteen alarms year-to-date.

Village Attorney Edward P. Wright reported he appeared at an Article 78 proceeding before Supreme Court Judge Dillon in Chautauqua County Court last Friday morning. The Article 78 proceeding was filed by Lawrence G. Spacciapolli, and Daryl B. Spacciapolli, 4568 West Lake Road, Dunkirk, N.Y., applicants for a Special Use Permit to make use of the property at 373 East Fairmount Ave. as a used car lot and the owners of the aforementioned property, Thomas Rogers and Sally Rogers, 9410 Teel Dr., Wattsburg, PA against the Village of Lakewood, et al. Mr. Wright indicated the petitioners acted quickly in going forward with the Article 78 proceeding in that they wish to continue working to convert the property and building into a used car lot and office, with hopes of closing on the sale of the property sometime in December. Judge Dillon remanded the matter back to the Village Board of Trustees for them to consider attaching conditions to the issuance of a Special Use Permit to the applicant. Mr. Wright said he would like to enter into executive session with the Board of Trustee later this evening to discuss the Village of Lakewood's posture on the matter.

Village Treasurer Andrea J. Windoft was pleased to report that the mortgage tax collected by the Village of Lakewood during the second quarter of this year exceeded the amount estimated in the annual budget.

Village Treasurer Windoft then asked Trustee Denn if he has had time to formulate a vehicle policy for village employees, adding it is something the State Comptrollers Office would like each municipality to adopt.

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Trustee Denn said he would gladly review the particulars of the vehicle policy suggested by Internal Revenue Service (IRS) rules and regulations so as to arrive at an acceptable policy for village employees.

Building Inspector Charles L. Smith reported that he recently received construction plans for two remodels at the Chautauqua Mall. One being an 11,500 sq. ft. Sakura Buffet restaurant and the other a 10,200 sq. ft. rue 21, etc. clothing store. Mr. Smith also reported that another business might soon be going into the Lakewood Village Center.

Trustee Denn asked Mr. Smith if he has heard anything on the two Shults' projects.

Mr. Smith indicated that the proposed mixed use building being proposed for Chautauqua Ave. is a "green building", which is a great idea. The architect and developer are working with the New York State Energy Research & Development Authority, (NYSERDA) on the project and therefore might need some extra time to produce the construction drawings. Mr. Smith said although they haven't requested an extension with respect to plan submittal, it would be in the best interest of the Village of Lakewood to give them some extra time if need be.

RESOLUTION #74-2012-2013 – AUTHORIZE HIRING OF PART-TIME POLICE OFFICER

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Police Chief John R. Bentley to conduct interviews and subsequently hire a new Part-Time Police Officer, to fill the void created by the resignation of Part-Time Police Officer Daniel W. Hasson, who has recently accepted a full time position with the Chautauqua County Sheriff's Department. Officer Hasson has worked for the Lakewood-Busti Police Department since June 1, 2011.

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

RESOLUTION #75-2012-2013 – POSTPONE NEXT REGULAR VILLAGE BOARD MEETING

Motion by Trustee Troche, seconded by Trustee Drago, that due to the Christmas Eve Holiday, to postpone the next regular meeting of the Board if Trustees, previously scheduled for Monday, December 24, 2012, until Wednesday, December 26, 2012. The meeting will be held at 6:30 PM, in the Board Room of the Anthony C. Caprino Municipal Building, preceded by a 6:00 PM work session.

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

RESOLUTION #76-2012-2013 – AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Troche, seconded by Trustee Drago, authorizing the Chautauqua Striders to make use of village streets (Summit St. & Terrace Ave.) as a portion of the 13.1 mile route for the inaugural Lucy Town Half Marathon to be held next October. The half marathon will start and finish at the Jamestown Savings Bank Arena.

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

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RESOLUTION #77-2012-2013 – AUTHORIZE MID-YEAR BUDGET TRANSFERS

Motion by Trustee Troche, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to make several mid-year budget transfers in connection to overages in the following accounts: Transfer \$1,093.90 from A7140.10, Playgrounds Salaries, into A7140.40, Playgrounds Contractual and \$2,860.00 from A9015.80, Police Retirement, into A9010.80, Employees Retirement.

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

RESOLUTION #78-2012-2013 – APPROVE NEW FIRE DEPARTMENT MEMBER

Motion by Trustee Denn, seconded by Trustee Troche for the Board of Trustees, acting as the Board of Fire Commissioners, to approve Mr. Ronald Snow, 65 Columbia Ave. W.E., Jamestown, N.Y as a new member of the Lakewood Volunteer Fire Department and to grant him “out of district” status.

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

RECESS

Motion by Trustee Denn, seconded by Trustee Troche, to recess the regular meeting of the Board of Trustees at 7:04 PM, so as to enter into executive session to discuss current litigation against the Village of Lakewood.

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, Village Attorney Edward P. Wright and Building Inspector Charles L. Smith. Motion by Trustee Denn, seconded by Trustee Troche, to adjourn the executive session at 7:48 PM and to reopen the regular meeting.

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

Motion by Trustee Troche, seconded by Trustee Jablonski, and unanimously carried the Board adjourned at 7:50 PM.

Joseph M. Johnson
Village Clerk