

AUGUST 10, 2015

The thirty-third regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, August 10, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo, Susan F. Drago, and John Jablonski. Also present were Village Clerk Joseph M. Johnson, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent were Village Treasurer Andrea J. Windoft, Village Attorney Edward P. "Tad" Wright and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Jablonski, to approve the minutes of the last regular meeting of the Board of Trustees, held July 27, 2015.

Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated August 10, 2015 be approved and that the Clerk shall execute said abstracts (#10 & #11) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,192.26, (Checks #3439 thru #3456), General Fund: \$ 458,649.06, (Checks #11948 thru #11996)

Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the area under the railroad viaducts at Fairdale Ave. and Shadyside Ave. are scheduled for paving this Wednesday weather permitting. He also reported that the D.P.W. crew has been working on the new baseball diamond and have completed a few sluice pipe projects.

Trustee Di Salvo asked Mr. Pilling about the status and timetable for repairing or replacing the retaining wall along East Terrace Ave. near the intersection of Lakeview Ave.

Mr. Pilling there are plans to replace the retaining wall however it is unlikely that the work will be before winter sets in. He added the project involves more than just replacing the crumbling wall.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to seven thousand reportable incidents year-to-date. Chief Bentley also indicated that part-time Police Officer Randy Pike has resigned to accept a full-time position with the Fredonia Police Department which will create an open part-time position. Chief Bentley then asked permission from the Board of Trustees to hire a new part-time Police Officer to replace Officer Pike, versus considering adding another full-time officer.

Mayor Wordelmann gave permission to Chief Bentley to hire a new part-time

Police Officer adding any discussions to hire another full-time officer will need to be included in annual budget talks.

Chief Bentley also reported there was a fatal motor vehicle accident on East Fairmount Ave. near Tim Hortons the evening of July 31st. Chief Bentley said he will be meeting with New York State Department of Transportation officials in September to look into and consider new signage in both directions near the site of the fatal accident in an effort to reduce traffic congestion at that location.

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Chief Bentley then asked for permission to store some old paper records in the former Fire Chief's Office on the second floor of the Anthony C. Caprino Municipal Building. He said the existing evidence room is filled to the maximum. Although all new records are now scanned and downloaded into a computer, he needs to create some space in the evidence room.

Trustee Jablonski asked Police Chief Bentley if he has a policy regarding the digitizing of records.

Chief Bentley indicated that although all new records are scanned it has been a challenge to keep up. Eventually he would like to be able to scan some the old paper records to reduce the amount of space necessary to store them.

Trustee Barnes asked Chief Bentley if some of the old records are digitized, would he still have to keep the paper records.

Chief Bentley said some records that are scanned still need to be retained as "hard copies", but he will be glad to check to see if the record keeping rules have changed.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to five hundred fifty-two alarms year-to-date, twenty-nine of which occurred in the last two weeks. Chief Hallberg also reported in the past two weeks they responded to a boat fire at the Lakewood Rod & Gun Club and two mutual aid structure fires in the Panama fire district.

Chief Hallberg then reported that A-371 (2006 Ford Type III Ambulance) is out of service due to a blown turbo. He said this particular Ford engine has been very unreliable and that there are pending law suits against the Ford Motor Company regarding this engine failure. Mr. Hallberg said he will be talking with Village Attorney Wright to determine if the Village of Lakewood should pursue any legal action against the Ford Motor Company. Ford admits there are problems with the engine however they don't want to stand behind their product. Chief Hallberg anticipates getting a spare ambulance from Northeastern. Until that happens the Lakewood Fire Department will be responding with Medic-37 and relying on mutual aid for transports.

Mayor Wordelmann asked Chief Hallberg if he has heard anything regarding the new fire engine and what is the time frame for it to be built.

Chief Hallberg indicated that the manufacturer should be calling soon to set-up an inspection once it gets to a certain point in the process and they have

until February 2016 to complete the truck, depending on whether they are running a little ahead or behind.

Trustee Di Salvo asked Village Clerk Johnson what are the approximate costs of doing a bulk mailing, with the thought it would be a good idea to get the word out to residents regarding the community survey and its importance in the completion of the Village of Lakewood's comprehensive plan.

Mr. Ted McCague, Chairman of the Comprehensive Steering Committee indicated the objective of the survey is to get as many responses as possible and to use the best methods to inform residents about the importance of the survey.

Village Clerk Johnson said based on the last bulk mailing, postage costs are around \$ 350.00, with envelopes and fliers costing about \$ 200.00 for each.

Mayor Wordelmann said the Village of Lakewood will be able to finance the bulk mailing and suggested that the Comprehensive Plan Steering Committee move forward with it.

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Although Building Inspector Jeffrey A. Swanson is not in attendance, Mayor Wordelmann wanted to note that Larry Spacc used cars at the intersection of East Fairmount Ave. and Fairdale Ave. is violating one of the conditions of the Special Use Permit he was granted by displaying vehicles within the 25 ft. "green space" set-back. Mayor Wordelmann said as discussed previously, parking cars within the required set-back creates a safety issue when clear sight lines at that busy intersection are blocked.

Trustee Jablonski said there are several banners/flags being displayed in the commercial districts of the village and believes the Village of Lakewood needs to be consistent with its enforcement of signage.

Mayor Wordelmann indicated that he plans to tour the Village with Building Inspector Swanson this Wednesday and take note which businesses are in violation with the local zoning law regarding signs.

COMMITTEE REPORTS

Trustee Barnes, Chairperson of the Auditing Committee reported that she and fellow committee member Trustee Di Salvo, conducted its annual audit of the financial records maintained by Village Treasurer Andrea J. Windoft last Tuesday morning and found everything in order. Trustee Barnes complimented Treasurer Windoft on how well kept the records are which made it very easy for her and Trustee Di Salvo to review.

Trustee Di Salvo indicated the Auditing Committee would like to make one recommendation to Village Treasurer Windoft and that would be to create a data base for fixed assets rather than have the information in a card file. Trustee Di Salvo suggested that Jamestown Business College might be able provide an intern to assist in setting-up an appropriate data base program. Trustee Di Salvo added as per usual, Mrs. Windoft's records were impeccably kept.

Trustee Barnes indicated that Village Treasurer Windoft is currently working to improve the list of fixed assets and will likely be calling on the respective department heads to make sure everything that should be listed is indeed listed.

Mayor Wordelmann indicated it is very important to establish an accurate list of fixed assets and be able to maintain that list over time.

Tree Committee Chairman Richard Rose indicated people may have noticed that some of the new trees planted last fall are stressed. Mr. Rose said he asked Arborist Bruce Robinson to take a look at the trees and he indicated that the extremely cold winter took its toll on new trees and a couple trees in Hartley Park have contracted a disease. Mr. Rose indicated that the recent drought conditions have also contributed to the new trees becoming stressed. Mr. Rose said D.P.W. Supervisor Pilling has made sure the trees are watered and also has fitted a lot of the newer trees with irrigation bags which has helped. Mr. Rose said he is hopeful most of the new trees will survive.

Mr. Rose said in conjunction with proposed improvements to Mall Blvd. (curbing & sidewalk), the tree committee would like to suggest that new trees be considered and included as part of the project.

Mr. Ted McCague, Chairman of the Comprehensive Steering Committee wished to report that the survey for the Comprehensive Plan went live today and is available via a link on the Village of Lakewood's website. Residents also have the option of picking-up a paper copy at the Village Clerk's office. Mr. McCague said the surveys will be a critical component in the development of the comprehensive plan.

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ANYONE TO BE HEARD

Ms. Kimberly Vallone, 20 Stoneman Ave. appeared before Mayor Wordelmann and the Board of Trustees to express her concerns regarding a recent revelation regarding the northerly ten feet of her residential parcel. Ms. Vallone indicated that after reviewing her deed and title search of the property known as 20 Stoneman Ave. she couldn't find anything which indicates she is not the owner of the northerly ten feet of her lot and would like for the Village of Lakewood to honor what is included in her property deed. Ms. Vallone said this whole matter surfaced when she decided to have a contractor install a stamped concrete driveway along the north side of her garage. Prior to work on the driveway she submitted an application for a fence permit with the Village of Lakewood so as to enclose her backyard with a 4 ft. fence. One thing lead to another and it was learned through the Jamestown Board of Public Utilities legal counsel that a deed was located which indicated that in 1924 Stoneman Park, Inc. deeded the northerly 10 ft. of the parcel known as 20 Stoneman Ave. to the Village of Lakewood within which a water main would be installed. Ms. Vallone said representatives from the BPU Water Division initially told her that they would not allow a concrete driveway to be installed over the water main running between Stoneman Ave. and Walnut St. Reason being, if the water main needed to be repaired or replaced the BPU would not incur the costs to replace a stamped concrete driveway. Ms. Vallone

told BPU representatives she and her husband wouldn't expect the BPU to do so and said they would be willing to take the responsibility if and when that happened. She was then told the BPU's legal counsel could prepare a document stating such for her and her husband to sign. Ms. Vallone said she was surprised this situation surfaced ninety-one years after the property was deeded to the Village of Lakewood. She said this situation not only impacts her property but her neighbor's property across the street plus one property on Webster St. and one property Walnut St. Ms. Vallone said she would just like for the Village of Lakewood to honor what is noted in their deed and title search.

Mayor Wordelmann told Ms. Vallone unfortunately Village Attorney Wright is not in attendance this evening to offer his legal opinion on the matter and therefore he can not comment other than to say the Village of Lakewood will work it out with her the best we can.

RESOLUTION #172-2014-2015 - AUTHORIZE REQUEST FOR BIDS

Motion by Trustee Di Salvo, seconded by Trustee Drago, authorizing the Village of Lakewood to request sealed bids for the construction of approximately 600 ft. of curbing and 3,100 sq. ft. of sidewalk along the west side of Mall Blvd., from East Fairmount Ave. (Rt. 394) south to the northerly driveway/entrance to

ARBY'S Restaurant. Sealed bids will be received at the Office of the Village Clerk, 20 West Summit St., Lakewood, N.Y., at or before 3:00 PM, Monday, August 24, 2015, at which time and place they will be publically opened and read aloud.

Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

RESOLUTION #173-2014-2015 - AUTHORIZE FUND TRANSFER

Motion by Trustee Drago, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 500.00 from the Trustee & Agency Account #T1093.50, [Scholarship Fund], to Account #A7510.40, [Historic Contractual], for the annual scholarship to be awarded to SWCS student Ms. Lucy Pannes, 1666 Southwestern Dr., Lakewood, N.Y.

Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

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RESOLUTION #174-2014-2015 - SET DATE AND TIMES FOR PUBLIC HEARINGS

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, to set Monday, August 24, 2015, as the date and set 6:45 PM and 6:50 PM as the times to conduct public hearings on Special Use Permit applications as submitted by Mr. Mark Riolo, 14 Gifford Ave. - (6 ft. Fence), and Ms. Elizabeth Snow, 2 Holly Dr. - (6 ft. Fence).

Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

MAYOR'S REPORT

Mayor Wordelmann indicated that although a recent report out by the NYS Comptroller's Office stated that sales tax revenue distributed to municipalities across New York State is considerably lower than expected, that isn't the case here in Chautauqua County. The NYS Comptroller's report noted sales tax revenue has dropped so drastically that some municipalities have had to rework their budgets. Mayor Wordelmann said first quarter figures reveal that the Village of Lakewood is actually \$ 7,000.00 to \$8,000.00 ahead of the figure budgeted for the current fiscal year. He said \$ 165,000.00 was budgeted and the Village of Lakewood received \$ 173,000.00. So things are looking up for Chautauqua County for a change.

Motion by Trustee Jablonski, seconded by Trustee Barnes and unanimously carried the Board adjourned at 7:08 PM.

Joseph M. Johnson
Village Clerk