

JUNE 10, 2013

The fifth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 10, 2013 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, David J. Di Salvo, Susan F. Drago, 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 Building Inspector Charles L. Smith. Absent was Fire Chief Kurt W. Hallberg.

MAYOR WORDELMANN'S OPENING REMARKS

Mayor David T. Wordelmann indicated he has slightly changed the order of the agenda for meetings of the Board of Trustees beginning this evening by switching the "Anyone to be Heard" segment from the beginning of the meeting to until after the "Reports of the Department Heads".

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 May 28, 2013.

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

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Denn, that the claims as audited by the Auditing Committee of the abstracts dated June 10, 2013 be approved and that the Clerk shall execute said abstracts (#54, #55 & #1) and direct payment by the Treasurer. Trust & Agency Fund: \$ 53,517.28, (Checks #2479 thru #2494), General Fund: \$ 38,882.81, (Checks #9674 thru #9717), General Fund: \$ 123,693.99, (Checks #9718 thru #9734)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the public dock for boaters has been installed at Richard O. Hartley Park and as soon as it stops raining the D.P.W. crew will be undertaking some road work.

Trustee Denn asked Mr. Pilling if he found anything out about the possibility to mark the location of a large rock in the vicinity of the public boating dock.

Mr. Pilling indicated to Trustee Denn that the Chautauqua Lake Association or any individual is not empowered to place any buoys or markers in the New York State owned lake.

Trustee Jablonski suggested to Trustee Denn that he contact the Navigation Patrol of the Chautauqua County Sheriff's Department to find out more about marking a hazard in the lake.

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Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered four thousand five hundred nineteen reportable incidents year-to-date. Chief Bentley then asked Mayor Wordelmann if it would be possible to enter into executive session at the close of this evening's meeting to discuss police personnel matters.

Mayor Wordelmann reported that the Village of Lakewood has issued an Appearance Ticket and an Order to Remedy Violation to Ms. Jill Laemmerhirt, 26 Hall Ave., Jamestown, N.Y., for establishing an exterior sign advertising an adult novelty store (Endless Love) she would like to open at 167 East Fairmount Ave.

Building Inspector Smith indicated that with assistance the Lakewood-Busti Police Department Ms. Laemmerhirt appeared in Town Court this past Thursday and the judge adjourned the matter and referred it to the attorneys representing Ms. Laemmerhirt and the Village of Lakewood.

Village Treasurer Andrea J. Windoft wished to thank Trustee Denn for providing some canisters to be used in a fund raising effort for the proposed dog park on East Terrace Ave.

Building Inspector Charles L. Smith reported that another issue he's working on is the clean-up of the house and property at 215 Elmcrest Ave., which was destroyed by fire and razed earlier this year. Mr. Smith said following the demolition of the house he has been working with its owner to get the material cleaned-up and taken to the landfill. The property owner is scheduled to appear in Town Court this Thursday concerning this matter.

Mr. Smith said he agrees with the Board of Trustees with respect to the new used car dealership at 273 East Fairmount Ave. in that Mr. Larry Spacciapolli should be asked to maintain the existing green space at that location.

Building Inspector Smith also reported that a Men's Warehouse store is being planned for a vacant storefront at the Lakewood Village Center and that the Sakura Buffet is still in the demolition phase of its plans to open a restaurant at the Chautauqua Mall.

Trustee Di Salvo indicated to Building Inspector Smith that vehicles are still parking on the lot west of the LUV Toyota dealership, and because the Village of Lakewood has a moratorium on new used car lot, suggested that LUV Toyota be contacted and asked that they be moved.

Building Inspector Smith agreed with Trustee Di Salvo saying that area has not been approved as a sales lot adding he has contacted LUV Toyota a few times concerning this matter hopeful it would have been resolved by now.

Trustee Di Salvo then asked Mr. Smith what time is the owner of the property at 215 Elmcrest Ave. expected to be in court this Thursday.

Building Inspector Smith said Town Court commences at 7:00 PM, however in the past zoning matters are usually heard last after all the vehicle and traffic matters.

Trustee Di Salvo asked if Mr. Smith could provide a little background on what occurred at 215 Elmcrest Ave.

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Building Inspector Smith indicated that shortly after fire broke out at 215 Elmcrest Ave., it was learned that the owner was a hoarder and in efforts to extinguish the fire it became necessary to partially demolish the house via a demolition order. The house was full from floor to ceiling of things the owner hoarded and twenty dogs made their home there. It now is just a pile of debris. Mr. Smith said it is likely that the Village of Lakewood will utilize its own resources to try to assist the owner in the clean-up of the property.

ANYONE TO BE HEARD

Mayor Wordelmann indicated to those present if members of the public wish to speak, he or she will address the Chair, if and when given the right to speak by the Chair, will state their name and address so it may be recorded by the Clerk. Members of the public will have five minutes to speak and are asked to refrain from any personal attacks against anyone whether present or not. Each members of the public will be allotted one opportunity to hold the floor during the meeting. Any additional time to speak will be solely at the discretion of the Chair.

Mr. Richard Turner, 105 East Terrace Ave., appeared before Mayor Wordelmann and the Board of Trustees stating he has three requests of the Village of Lakewood, the first of which he has already made through the Village Clerk and that is for the village consider doing something about the local deer population, which has become a real problem. Mr. Turner then asked the village to consider again dredging the delta at the outfall of Crescent Creek into Chautauqua Lake. It is an ongoing problem and expense. The third thing Mr. Turner requests of the Village of Lakewood is for it to consider adopting a storm water management plan and erosion and sedimentation control program. Mr. Turner asked that any part of the Village of Lakewood located within the Chautauqua Lake watershed be subject to these measures. The purpose of these programs do all the right things and addresses the problems we have with sediment entering the lake. Mr. Turner strongly urged the Village of Lakewood to adopt these measures and if there is a reason why the Village of Lakewood shouldn't, he would like to know it.

Mayor Wordelmann indicated to Mr. Turner that the Village of Lakewood discussed the deer population and ways to reduce it a couple of years ago. Mayor Wordelmann said it is difficult to conduct a bait and shoot program in a densely populated village, however there has been a program in place the past couple of years wherein additional doe permits are issued to hunters in certain areas of the Town of Busti as one way to reduce the local deer herd. Whether that program had any impact on the overall deer population is debatable.

Police Chief Bentley indicated that the area of the township that this program covers has been expanded and we will know more once the program runs its course for a year or two.

Trustee Denn noted the Village of Lakewood has become a sanctuary for the deer.

Mr. Turner said the lake level is very high right now but asked that the Village of Lakewood check for sedimentation at the Crescent Creek outfall later this fall. Mr. Turner said he doesn't know how some of the boat owners in the vicinity of Crescent Creek get in and out from their docks.

Mr. Turner indicated the Town of Chautauqua and the Town of Ellicott have adopted sedimentation and erosion control programs and we as stewards of the lake need to do all we can to take care of it and adopting these programs is a good first step.

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Dr. Rudolph Mueller, 7 Sunset Ave., said he would like to second some of the things mentioned by Mr. Turner and said it is very important to keep Crescent Creek near its outfall to the lake dredged to allow sediment to deposit there following rain events. Dr. Mueller wondered if it is possible to divert some of the storm water that reaches the lake via Crescent Creek.

Mayor Wordelmann indicated that different things have been done the past year or so such as the construction of a retention pond south of the village line off Shadyside Road, a new culvert under Rt. 394, dredging the creek bed of Crescent Creek between East Summit Street and the railroad tracks and creek bank improvements between East Summit Street and East Terrace Ave.

Building Inspector Smith noted that the retention pond mentioned by Mayor Wordelmann has collected a lot of sediment which needs to be removed.

Mr. Daniel Evans, 224 West Summit Street, indicated to Mayor Wordelmann and the Board of Trustees we have the same issue dealing with the build up of sediment with the formation of deltas at the Brook Street outfall and the Lowe Park outfall. We are being squeezed out between them.

Trustee Jablonski indicated the Brook Street tributary runs behind his house. Although there is a water retention basin adjacent to the railroad tracks it is structured in a way it doesn't do much good. Trustee Jablonski suggested the Village of Lakewood work with the New York State Department of Transportation to see if the retention basin could be reconfigured to hold water for a time to allow sediment to be deposited before it heads to the lake.

Mr. Evans agreed with Trustee Jablonski that the retention basin adjacent to the railroad tracks is a good place to start in an effort to reduce the sediment that reaches the lake.

Trustee Jablonski said there was a plan developed higher up in the water shed to slow down the water that was never carried out. He would like to see what could be done to move that plan forward.

Mayor Wordelmann said he will try to work with the Town of Busti to see if the plan to slow down the storm water coming off the hill above his property on Winding Way could be revisited.

Mrs. Barbara Scott, 55 East Terrace Ave., indicated she and her husband have been residents of Lakewood for over forty years. While their new house was under construction last year she noticed that their neighbor to the east, who has more than 200 feet of road frontage, was depositing all his yard waste right next to their driveway. Mrs. Scott indicated that on three separate occasions they talked to their neighbor and voiced their concerns at where they were depositing their yard waste. On two occasions the Village of Lakewood Department of Public Works made special trips to pick-up the neighbor's yard waste, however the next day the neighbor deposited more next to their driveway. So there has been a pile of yard waste next to their driveway for most of the spring. A lot of people truly care about how their village looks. Unfortunately there are some who don't or don't care about their neighbors. Mrs. Scott said there needs to be a yard waste policy in place for residents to follow. For those residents who don't wish to comply, should face some sort of penalty.

Mayor Wordelmann indicated the brush pick-up program was introduced as another service to the residents of Lakewood. Because some residents abuse this service or can't be neighborly, Mayor Wordelmann said he would like to establish some yard waste pick-up guidelines and list them in a flier to be sent at all residents. Although some rules might be necessary Mayor Wordelmann doesn't wish to over legislate the subject.

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D.P.W. Supervisor Thomas R. Pilling indicated the whole idea of the monthly brush pick-up came about because use of the brush bin on Packard Ave. was being abused.

Trustee Drago asked Mayor Wordelmann if the yard waste pick-up guidelines will include instituting penalties for those residents who don't comply.

Mayor Wordelmann said if there were no penalties there would be no incentive for residents to comply.

Mr. Eric Snable, 59 East Terrace Ave. said he would like to speak on the subject of yard waste and totally agrees with the idea of not over legislating it. Mr. Snable said the pile of yard waste in question is his. Mr. Snable indicated having yard waste set out for pick-up a minimal amount of time makes reasonable sense and to make sure, from a safety aspect, that yard waste is not located on the paved surface of the street makes a lot of sense too. To establish a short term window to do all one's yard work however seems like an undue burden and took exception to the thought that he has no regard for our neighbor's property.

Trustee Jablonski suggested that residents leave grass clippings on their lawns and it is a poor use of taxpayer dollars to pick-up those same grass clippings that are set-out for collection.

Trustee Drago reminded everyone residents may also make use of the brush bin on Packard Ave. to dispose of their yard waste.

Mr. Jackson Smith, 15 Sunset Ave., said he seconds Mrs. Scott's thoughts and said this is the only place where he has lived that provides this type of service. Mr. Smith then asked what are the chances of gaining support from Mayor Wordelmann and the Board of Trustees for a group of local business owners who wish to discuss and address certain issues facing the community.

Mayor Wordelmann indicated to Mr. Smith he could count on his support.

Mr. Thomas A. Turner, 33 East Lake Street, indicated to Mayor Wordelmann and the Board of Trustees there are two storm water culverts leading to the lake on each side of his property that don't get the attention that Crescent Creek gets. Mr. Turner said during each rainfall a little more sediment ends up in the lake. Mr. Turner said the large trees along the shore of Richard O. Hartley Park just west of his property generate a tremendous amount of pollen and debris which ends on his patio and in his swimming pool.

When asked by Mayor Wordelmann if the storm water culverts referenced by Mr. Turner, are checked for sediment and cleaned out, D.P.W. Supervisor Pilling indicated that the catch basins in those storm water drainage systems are cleaned out as needed.

As far as Mr. Turner's concern about the debris from the trees at Richard O. Hartley Park, Mayor Wordelmann said he will ask the newly formed tree committee to take a look at the situation.

Dr. Robert W. Scott, 55 East Terrace Ave., appeared before Mayor Wordelmann and the Board of Trustees, saying since the Village of Lakewood instituted the monthly brush pick-up program things have deteriorated, adding he doesn't know of any other community that provides such a service to its residents. While it may be a well meaning policy, if rules pertaining to it aren't spelled out and enforced, some residents will abuse it. When brush and leaves are stockpiled next to my property some of the material gets blown down my driveway when vehicles pass by.

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Dr. Scott said he can manage his own yard waste but doesn't wish to take care of someone else's. Dr. Scott went on to speak on storm water drains saying there should be a village law prohibiting anyone from placing anything in storm drains. If storm drains within the watershed get plugged with debris it creates surface water runoff which causes erosion and more sedimentation problems. This past week there were piles of brush and other yard waste in storm water drains along East Terrace Ave.

Mayor Wordelmann agreed with Dr. Scott saying residents should be more mindful of the consequences when yard waste or other materials are placed in storm water drainage systems.

RESOLUTION #31-2013-2014 – ACCEPT RESIGNATION

Motion by Trustee Denn, seconded by Trustee Di Salvo, to accept the resignation of part-time Police Officer Chad A. Boyland who recently accepted a full-time position with the New York State Troopers. Officer Boyland has worked for the Lakewood-Busti Police Department since February 25, 2009.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #32-2013-2014 – APPROVE PART-TIME POLICE OFFICER APPOINTMENT

Motion by Trustee Denn, seconded by Trustee Drago, to approve the appointment of Garrett Jackson, Frewsburg, N.Y., as a part-time Police Officer for the Lakewood-Busti Police Department per the recommendation of Police Chief John R. Bentley. Officer Jackson's effective date of hire will June 12, 2013 and he will be compensated at a rate of \$ 16.49/hr.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #33-2013-2014 – APPROVE SALARY & HOURLY WAGE INCREASE

Motion by Trustee Denn, seconded by Trustee Drago, to approve a 3% wage increase for salaried employees and a \$.50/hr. wage increase for hourly employees per the Budget Officer's recommendation and annual budget for the fiscal year of June 1, 2013 – May 31, 2014.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #34-2013-2014 – APPROVE LEGAL SERVICES AGREEMENT

Motion by Trustee Denn, seconded by Trustee Drago, to approve an agreement with Wright, Wright & Hampton, Attorneys at Law, Jamestown, N.Y., to provide legal services to the Village of Lakewood for the period of June 1, 2013 – May 31, 2014 at a cost of \$ 10,000.00
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

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RESOLUTION #35-2013-2014 – APPOINT LIFEGUARD STAFF – 2013

Motion by Trustee Drago, seconded by Trustee Jablonski, that per the recommendation of Village Clerk Joseph M. Johnson, to appoint the following individuals as lifeguards at Richard O. Hartley Park/Beach for the summer of 2013: Supervisory Lifeguard: Ellen V. Burns, Jamestown, N.Y., (\$ 8.75/hr.) and Lifeguards Emily K. Windoft, Lakewood, N.Y., (\$ 8.00/hr.), Nina LaMantia, Jamestown, N.Y., (\$7.75/hr.), Erica L. Stevens, Lakewood, N.Y., (\$ 7.75/hr.), Jordan J. Powers, Lakewood, N.Y., (\$ 7.75/hr.), Jenna A. Nagel, Panama, N.Y., (\$ 7.50/hr.), Harrison R. Troche, Lakewood, N.Y., (\$ 7.50/hr.) and Michael J. Burns, Jamestown, N.Y., (\$ 7.25/hr.)

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

RESOLUTION #36-2013-2014 – AUTHORIZE YEAR END BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J. Windoft to make end of fiscal year budget transfers.

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

RESOLUTION #37-2013-2014 – AUTHORIZE FIRE CONFERENCE ATTENDANCE

Motion by Trustee Denn, seconded by Trustee Drago, that the Board of Trustees acting as the Board of Fire Commissioners, authorize Fire Chief Kurt W. Hallberg, First Assistant Chief Stephen W. Smouse and Fire Company President Jack Knowlton to attend the New York State Association of Fire Chiefs Conference at the Turning Stone Resort, Verona, New York, June 12th – June 15th. The fire department officers will be reimbursed for all legal expenses incurred.

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

RESOLUTION #38-2013-2014 – APPROVE 2013 LAKE MAINTENANCE AGREEMENT

Motion by Trustee Jablonski, seconded by Trustee Drago, authorizing Mayor David T. Wordelmann to execute an agreement between the Village of Lakewood and the Chautauqua Lake Association, Inc., Lakewood, N.Y., whereby the Village of Lakewood agrees to make a contribution in the amount of \$3,500.00 toward the Chautauqua Lake's Association's lake maintenance program for 2013.

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

RESOLUTION #39-2013-2014 – SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Denn, seconded by Trustee Drago, per the recommendation of Mayor Wordelmann, to set 6:45 PM, Monday, June 24, 2013, as the date and time to conduct a public hearing to review an application for Site Plan Review, as submitted by Mr. David G. Bargar, 11 Sunset Ave., regarding his proposal to remodel the former Yaw Oil Company, Inc. building at 2 East Second Street. In accordance with Section #25-85, [Site Plan Review], of the Village of Lakewood Zoning Law, the alteration/conversion of existing structures having more than 5,000 sq. ft. of floor space requires site plan review.

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

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RECESS

Motion by Trustee Drago, seconded by Trustee Jablonski, to recess the regular meeting at 7:30 PM, so as to enter into executive session to discuss personnel matters within the Lakewood-Busti Police Department.

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

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee David J. Di Salvo, Trustee Susan F. Drago, Trustee John Jablonski, Police Chief John R. Bentley and Village Attorney Edward P. "Tad" Wright. Motion by Trustee Denn, seconded by Trustee Drago, to adjourn the executive session at 8:08 PM.

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

Motion by Trustee Denn, seconded by Trustee Drago, and unanimously carried the Board adjourned at 8:10 PM.

Joseph M. Johnson
Village Clerk