

OCTOBER 13, 2015

The thirty-seventh regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Tuesday, October 13, 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, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney Edward P. Wright and Fire Chief Kurt W. Hallberg. Absent were Department of Public Works Supervisor Thomas R. Pilling and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held September 28, 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 October 13, 2015 be approved and that the Clerk shall execute said abstracts (#18 & #19) and direct payment by the Treasurer. Trust & Agency Fund: \$ 56,870.71, (Checks #3509 thru #3520), General Fund: \$ 97,155.93, (Checks #12123 thru #12166) Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

REPORTS

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to nine thousand one hundred eight reportable incidents year-to-date, four hundred fifty of which occurred since the last meeting. Of those there were one hundred twenty-five traffic stops, eighty-six property checks, eighteen law enforcement assists, eight drug arrests, two domestic disputes, twelve traffic accidents and two driving while intoxicated (DWI) arrests.

Chief Bentley also reported that he recently received two grants through the Governor's Traffic Safety Committee, in the amounts of \$ 1,000.00 and \$ 5,040.00.

Chief Bentley said the L-BPD assisted the LFD with their open house on Saturday, October 10th and the L-BPD experienced a recent deer strike involving one of the new patrol cars.

Chief Bentley indicated that last Friday the L-BPD assisted the Southern Tier Drug Task Force on a drug raid on Third Ave. (Cottage Park) resulting in the arrest of a mid-level drug dealer and his girlfriend.

Mayor Wordelmann pointed out to the press that although the aforementioned drug arrest "went down" outside the Village of Lakewood it was reported that it occurred in Lakewood which gives the community a bad name.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to seven hundred alarms year-to-date, which includes twenty-six

alarms since the last meeting.

Mayor Wordelmann thanked and congratulated Chief Hallberg and members of the LFD for the wonderful and well organized open house this past Saturday.

Chief Hallberg said the event went very well which coincided with fire prevention week. Chief Hallberg said the LFD conducted a series of demonstrations at the SWCS Elementary School last Wednesday and wished to thank Chief Bentley, the L-BPD and the Town of Ellicott Police Dept. for their assistance.

OCTOBER 13, 2015 (CONTINUED)

Village Treasurer Andrea J. Windoft reported that she recently shared some information in starting-up a dog park with Village of Mayville Trustee Sharon Smead. Mrs. Windoft said the Village of Mayville is interested in establishing a dog park similar to the Village of Lakewood's.

COMMITTEE REPORTS

Trustee Di Salvo asked Mayor Wordelmann what is the status of the proposal to raze the unsafe structures at 8 Olive Ave. Trustee Di Salvo indicated he had previously asked District 10 County Legislator P.J. Wendel to look into the possibility of having the land bank assist with funding this project. Legislator Wendel implied that the property would need to be in the municipality's name. Trustee Di Salvo asked if a letter was sent to the owner asking if they would consider deeding the property to the Village of Lakewood. If not, he believes it is something that should be pursued.

Village Attorney Wright indicated that he was under the impression that Building Inspector Swanson was going to send a letter, asking that particular question of the property owner.

Trustee Di Salvo said he realizes the Village of Lakewood might not receive land bank funding for this project but it would behoove us to at least try to save some money.

Village Attorney Wright said he recently had a conversation with City of Jamestown Development Director Vince DeJoy who indicated that the Chautauqua County Land Bank have their hands full with everything that is happening in the city right now.

Trustee Di Salvo said he realizes cities receive the bulk of the money because they also have the bulk of the problems, however it shouldn't diminish the Village of Lakewood's chance to receive some funding for a project such as the one on Olive Ave. Trustee Di Salvo said he would hate to find out after the fact that money was indeed available, adding the letter to the owner of the property at 8 Olive Ave., regarding this matter should be sent as soon as possible.

ANYONE TO BE HEARD

Ms. Cara Birrittieri, 15 Sunset Ave., appeared before Mayor Wordelmann and the Board of Trustees to ask about the back and forth regarding a letter that was to be sent from the Village of Lakewood to the Town of Busti Supervisor, inquiring about its share of the Town of Busti Recreation Department's fund

balance and the status of a future recreation/community center.

Ms. Birrittieri said given some of the money in the Town of Busti's Recreation Department's fund balance had been appropriated by the Village of Lakewood through its taxpayers, including her, she would like to get to the bottom of it one way or another. She said it is unclear as to how long the audit of Town of Busti financial records, currently being conducted by the NYS Comptroller's, will take. Ms. Birrittieri said she believes a legal question remains, whether or not the Town of Busti could use the funds without permission from the Village of Lakewood. The bottom line is there were funds provided by Village of Lakewood tax payers earmarked for a recreation program that no longer exists. Some questions regarding this fund account need answers.

Mayor Wordelmann indicated that contrary to what was printed in the Village of Lakewood's official newspaper today, the Village of Lakewood has a very good working relationship with the Town of Busti. The two entities share services on a daily basis. Mayor Wordelmann said there are two win-win contracts between the two municipalities, one being the police services contract and the other the code enforcement services contract.

OCTOBER 13, 2015 (CONTINUED)

Mayor Wordelmann said prior to becoming Mayor he questioned whether the Village of Lakewood should be in the recreation program business. Because the Busti-Lakewood Rec. Commission was funded by two separate entities, money in the recreation account should only be spent with the approval of both parties. Mayor Wordelmann indicated that Town Supervisor Robbins has a different opinion on spending money in the joint account, based on counsel he has received from the Town Attorney.

When discussions on this money matter cropped-up last May, the Town of Busti and various committees were in the process of deciding what residents wanted in their recreation program. At the time Mayor Wordelmann said it wouldn't have been a good time to "rock that boat". Mayor Wordelmann said from the get go he has stated it doesn't matter what the Town of Busti has done with that money, because if they have spent some of the Village's monies, legally the Town of Busti would be required to reimburse the Village of Lakewood its share of the recreation account fund balance.

Mayor Wordelmann said the way to handle something of this nature is to sit down and talk about it diplomatically rather than send letters back and forth. Mayor Wordelmann believes a letter would be the divisive route to take and it would only escalate the issue.

Ms. Birrittieri said as one of the organizers of the Concerned Citizens for a Better Government (CCBG), the sole purpose of the group was to bring people together, work together and to de-politicize the community, plus to bring the idea of planning for the future to the forefront. The whole thing took off when things such as the sale of the former Town of Busti Office and purchase of the former Tordella building happened without a whole lot of information or much input from the public.

Fast forward to the present issue concerning the recreation program and its fund balance. Ms. Birrittieri said she is upset that there isn't a community recreation program. Public forums during the Village of Lakewood's

comprehensive plan process stressed the need for recreation programs in the community. She said committees have come and gone and people have volunteered a lot of time in conducting surveys and the like in an effort to get a new recreation program off the ground. It is kind of ridiculous there is so much haggling over this letter, let's find out and get to the bottom of it. If we have to wait for the audit to be completed, so be it.

Mayor Wordelmann informed Ms. Bittittieri that the Busti-Lakewood Recreation Commission was a joint commission formed in the early 1970's. He suggested to her that the matter at hand involving the letter or no letter is more about how to properly handle certain situations and less about the recreation program. People should talk through their differences instead of sending nasty letters to one another.

Ms. Birrittieri asked Mayor Wordelmann why does the letter need to be nasty. All the Village of Lakewood is doing is asking for some clarification concerning the joint recreation account.

Trustee Di Salvo said the letter drafted by Village Attorney Wright is far from nasty. It is nice that the Town Supervisor and the Mayor talk about the issue but the Village of Lakewood needs an official response from the Township regarding this joint account for the record. Trustee Di Salvo suggested that the Village of Lakewood have a seat at the table when decisions regarding a future recreation program are made. If the Township doesn't want a recreation program, reimburse the Village of Lakewood its share of the joint account and we'll start our own recreation program. Trustee Di Salvo asked Mayor Wordelmann why he isn't interested where the money is and what it was spent on, while imploring him to sign the letter. Trustee Di Salvo said if the Mayor doesn't want to sign it, he'll sign it. Trustee Di Salvo said a resolution earlier in the year to do so was unanimous. He then suggested that the letter include a signature page and encouraged every member of this Board to sign it.

Trustee Jablonski said it is highly unusual for the Mayor not to sign correspondence from the Board of Trustees based on action by this Board. He added this letter shouldn't be treated any differently.

OCTOBER 13, 2015 (CONTINUED)

Mayor Wordelmann said the resolution asked for the Village Attorney to draft a letter to Supervisor Robbins inquiring about the joint recreation account, it didn't state that the letter be signed by the Mayor.

RESOLUTION #189-2014-2015 - AUTHORIZE LETTER TO THE TOWN OF BUSTI

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, for the Village of Lakewood to send a letter to Town of Busti Supervisor Jesse Robbins, requesting information regarding the joint recreation fund of the former Busti-Lakewood Recreation Commission and to authorize Mayor Wordelmann to sign the letter. Per the request of Mayor Wordelmann he asked that the letter be signed by each member of the Board of Trustees.
Adopted: 3 ayes, 1 nay (Barnes, Di Salvo, Jablonski), (Drago)

RESOLUTION #190-2014-2015 - APPROVE COLLECTION OF UNPAID VILLAGE TAXES

Motion by Trustee Drago, seconded by Trustee Barnes, authorizing Village Treasurer Andrea J. Windoft to forward any and all unpaid 2015-2016 Village tax bills to the Chautauqua County Division of Taxation, Mayville, N.Y., for collection or levying onto the 2016 Town & County tax bills.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

RESOLUTION #191-2014-2015 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Jablonski, per the recommendation of Mayor Wordelmann, to set 6:45 PM, Monday, October 26, 2015, as the time and date to conduct a public hearing on a site plan review application as submitted by Harbor Freight Tools, Beverly Hills, CA, a discount tool and equipment retailer, regarding their proposal to redevelop the former Crawford Furniture Outlet, (20,365 sq. ft.), 185 East Fairmount Ave.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

RESOLUTION #192-2014-2015 - SET HALLOWEEN TRICK OR TREAT HOURS

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, to set 6:00 - 8:00 PM as the hours designated for Trick or Treat in the Village of Lakewood on Halloween, Saturday, October 31, 2015.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

RESOLUTION #193-2014-2015 - AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing the Chautauqua Striders Athletic Club, Jamestown, N.Y., to make use of village streets on which to conduct their 2016 Winter 5K Series of races. The scheduled race dates are January 2nd, January 9th, January 23rd, January 30th and February 13th.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

RECESS

Motion by Trustee Drago, seconded by Trustee Di Salvo, to recess the regular meeting of the Board of Trustees at 7:00 PM, so as to enter into executive session.
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

OCTOBER 13, 2015 (CONTINUED)

EXECUTIVE SESSION

Present at the Executive Session were Mayor David T. Wordelmann, Trustee Ellen E. Barnes, Trustee David J, Di Salvo, Trustee Susan F. Drago, Trustee John Jablonski, III, Village Attorney Edward P. "Tad" Wright, Village Clerk Joseph M. Johnson and Village Treasurer Andrea J. Windoft. Motion by Trustee Di Salvo, seconded by Trustee Barnes, to adjourn the executive session at 7:06 PM, and re-enter the regular meeting.

Motion by Trustee Drago, seconded by Trustee Jablonski, and unanimously

carried the Board adjourned at 7:08 PM.

Joseph M. Johnson
Village Clerk