

MARCH 23, 2015

The twenty-fourth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, March 23, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were 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, Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson. Absent was Trustee Gale A. Denn.

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 March 9, 2015.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated March 23, 2015 be approved and that the Clerk shall execute said abstracts (#13, #44 & #45) and direct payment by the Treasurer. Capital Fund: \$ 4,237.32, (Checks #11527 thru #11530), Trust & Agency Fund: \$ 54,616.98, (Checks #3294 thru #3307), General Fund:

\$ 51,233.00, (Checks #11531 thru #11559)

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the D.P.W. crew has been out patching roads and that he and Deputy D.P.W. Supervisor Thomas Windoft will be attending an Erosion & Sediment Control seminar April 9th.

Trustee Di Salvo asked Mr. Pilling if the Village of Lakewood will be receiving the same level of Consolidated Local Street & Highway Improvement Program (CHIPS) funding. Trustee Di Salvo said looking at the condition of the roads the Village of Lakewood is responsible for, does it look like the Village will be in good shape financially, considering the road work that needs to be done.

Mr. Pilling said word out of Albany indicates that CHIPS funding for municipalities will be maintained at last year's levels however it is unknown if New York State is going to appropriate additional monies for municipalities under the condition known as "extreme winter recovery". Mr. Pilling added the Village of Lakewood has "rolled over" some unexpended CHIPS funding.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to two thousand five hundred fifty-one reportable incidents year-to-date. Chief Bentley indicated that within the past two weeks officers have encountered

three individuals that were experiencing drug overdoses. Two of the three individuals' lives were saved by officers administering the opiate drug antidote Narcan. Chief Bentley also reported that the department's K-9 dog is now a certified bomb detector that assisted the Jamestown Police Department in locating a gun during the search of a house following a shooting.

Chief Bentley also reported that the Lakewood-Busti Police Department responded to an altercation at the Lakewood Family YMCA at the tail end of their annual three-on-three basketball competition this past Saturday evening which involved around sixty youths. Chief Bentley indicated six individuals, ranging in age from 14 to 17, were taken into custody for obstructing justice and resisting arrest. Five of the six will be petitioned to Family Court while the other individual will appear in Busti Town Court.

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Chief Bentley said in previous years the basketball tournament went fairly smooth, however this year the number of teams participating increased from around forty-five to fifty teams to eighty teams. Chief Bentley indicated that the YMCA did hire extra security for the event however, because things were going smoothly, the security detail was dismissed about an hour prior to the altercation.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to two hundred six alarms year-to-date adding March has been exceptionally busy with seventy-nine alarms in the month already. Chief Hallberg indicated that fifty-three of the seventy-nine alarms have been emergency medical service (EMS) calls. Seven of the March alarms were structure fires, three of which were mutual aid calls in the Celoron Fire Department's district. Chief Hallberg also reported that the Lakewood Volunteer Fire Department's annual report for 2014 has been completed and distributed to the Board of Trustees acting as the Board of Fire Commissioners. Chief Hallberg indicated that First Assistant Chief Steve Smouse and Second Assistant Chief Todd Gilbert are at the Spartan ERV Fire Apparatus factory in Brandon, South Dakota attending a pre-construction meeting regarding the Custom 1500 GPM Class A pumper on order. In conclusion, Chief Hallberg indicated that every fire district in Chautauqua County will be undergoing an Insurance Service Office (ISO) review which basically involves grading the local fire department and fire hydrant system. This review ultimately impacts the insurance rates for businesses and home owners.

Trustee Di Salvo indicated to Chief Hallberg in looking at the annual report for 2014, emergency medical service (EMS) calls outnumber fire calls nearly two to one, which reminded him of the discussion we had last year about billing insurance companies for EMS calls. Trustee Di Salvo asked Chief Hallberg what is the latest on the procedure to do so.

Chief Hallberg indicated that the committee, comprised of members from the Lakewood Fire Department and the Busti Fire Department, assigned to research that particular matter is still active however the biggest problem each department faces is having an adequate number of Emergency Medical Technicians to provide that service. Chief Hallberg did note that since each department has been responding to emergency service calls in both districts the lack of Emergency Medical Technicians hasn't been an issue.

Trustee Di Salvo asked Chief Hallberg what do we need to do to move forward

on this matter one way or another. The time has come to do something because there aren't many new revenue sources that money strapped municipalities can tap into.

Chief Hallberg said the committee will need to reconvene again, adding it is something the Lakewood Volunteer Fire Department should be able to undertake, it might be just a matter of deciding how to carry it out.

Trustee Di Salvo said it would be greatly appreciated if the committee could meet sometime in the next quarter and report back to the Board of Trustees.

Mayor Wordelmann indicated that one sticking point was the desire of the Busti Fire Department to split the revenue evenly, however because the Lakewood Fire Department responds to more calls it was felt that the revenue split should instead be based on the number of EMS calls responded to.

Trustee Di Salvo then said in anticipation of the annual budget hearing, asked Chief Hallberg if he could please provide him with a copy of the Lakewood Fire Company's 990 Form, so he may be able look all the financial figures associated with the fire department.

Chief Hallberg indicated to Trustee Di Salvo that Trustee Jablonski recently met with two members of the Fire Company and discussed its financial situation. Trustee Jablonski indicated that he has a copy of the Lakewood Fire Company's 990 Form he will share with Trustee Di Salvo.

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Village Treasurer Andrea J. Windoft indicated the Village of Lakewood recently received the Consolidated Local Street & Highway Improvement Program (CHIPS) fourth quarter reimbursement payment in the amount of \$ 112,049.56.

Treasurer Windoft also reported that there was an unfortunate incident at the dog park in which an unregistered and unvaccinated pit bull dog entered the fenced in area of the park and attacked another dog. The owner of the dog being attacked, while trying to separate her dog from the pit bull, was bitten on the hand, and was eventually transported to WCA Hospital by the Lakewood Fire Department for treatment. Details regarding the bite wounds sustained by the second individual are unknown. The incident begs the question, is there a way to prevent what happened. Mrs. Windoft said the rules are a part of the registration form and are posted outside the park. The owner of the pit bull was in the wrong and the Lakewood-Busti Police Department has completed a report on the incident. Treasurer Windoft then asked The Post-Journal reporter to note that dogs entering the park must be registered, adding it is free of charge and that registration forms can be found on line or picked-up at the Village Clerk's Office.

Village Attorney Wright said he defers to Police Chief Bentley, but said it strikes him that, because the park is fenced-in and the dog park rules are posted at the park's entrance, one could consider a trespass violation for those entering the park with unregistered dogs. As far as having an unvaccinated dog enter the park, enforcement of that oversight by the dog's owner should be carried out by an agency other than the local police department.

Treasurer Windoft indicated that the Chautauqua County Health Department is aware of the incident and is following-up on it.

Chief Bentley said it might be difficult to charge someone for trespassing in a public park.

Mr. Joseph Troche, 19 Winchester Road, said the important question is how can the Village of Lakewood protect those utilizing the park.

Village Attorney Wright indicated there are laws in place protecting the public from so called "dangerous dogs". He added the Village of Lakewood has done everything it can to protect itself against any claims.

Ms. Cara Birrittieri, 15 Sunset Ave., said there are two possible dangers for those utilizing the dog park. One, because dogs get excited when playing with other dogs and there is always the chance of someone getting nipped or bit. Two, and more importantly, having a dog or dogs in the park that aren't properly vaccinated. She agrees the situation is difficult to police but suggested performing random checks of the dogs on site.

Treasurer Windoft indicated the dog park registration forms include statements which are agreed to by the dog owners and that information pertaining to the dog's vaccinations is required. Mrs. Windoft said she has looked into different ways to identify the registered dogs and is in the process of ordering scarfs for the dogs. The identifying scarf would let others in the park know that their dog or dogs are registered and are current with their vaccinations. Treasurer Windoft indicated those using the park act as the policing force when it comes to behavioral issues with the dogs and their owners.

Ms. Susan Lane, 188 East Terrace Ave., suggested that the owners of the dogs using the dog park be required to sign a waiver stating that their dog is "safe". Ms. Lane then asked Chief Bentley if the dog that bit the women at the dog park didn't have a rabies shot, why wasn't it quarantined.

Chief Bentley indicated the dog in question was indeed quarantined and that since the incident the dog owner has produced documentation noting that the dog has been vaccinated.

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Trustee Di Salvo asked Village Clerk Johnson if the Village of Lakewood intends to send out a notice reminding residents of the new short term rental regulations, and whether the information can be posted on the Village of Lakewood's web site.

Village Clerk Johnson indicated to Trustee Di Salvo that he plans on mailing a notice about the short term rental regulations to Village of Lakewood residents and he will gladly check to see if the information can be posted on the Village of Lakewood's web site.

Building Inspector Jeffrey A. Swanson indicated that the building code software program deal between the Town of Busti, Village of Lakewood and the Williamson Law Book Company, Victor, New York has been cancelled due to the fact that it didn't measure up to the program that as advertised nor to the prices as quoted. Mr. Swanson said he will be researching similar programs that are offered through other software providers. Mr. Swanson also reported

that New York State has begun implementing some new building regulations most of which deal with new energy codes and in some cases compliance with international codes.

Trustee Jablonski asked Mr. Swanson if he is aware of the unregistered car located on the site of the former Mexican Restaurant at 12 West Fairmount Ave.

Mr. Swanson indicated he has contacted the property owner about the car but would be happy to follow-up on it.

COMMITTEE REPORTS

Mayor Wordelmann noted he recently talked with Mr. Peter J. Smith of Peter J. Smith & Co., Buffalo, N.Y., contractor for developing a comprehensive plan for the Village of Lakewood. Mr. Smith indicated he and his staff are in the process of drafting an agenda and timetable for its development and should have that information to the Village of Lakewood for distribution by the end of the week.

Mayor Wordelmann indicated that he and Village Clerk Johnson met with Messrs. Raymond Schuster and Brad Schuster representing Bestway Container Service, Fredonia, N.Y., last Wednesday. Bestway Container Service submitted the lowest bid to collect household garbage and recyclables for the Village of Lakewood for a three year term beginning June 1, 2015. Mayor Wordelmann indicated we discussed equipment and manpower requirements, work history, etc. Mayor Wordelmann said the biggest thing that came out of the meeting is that the day garbage and recyclables are picked-up will change from Thursday to Tuesday. Mr. Wordelmann added Bestway Container Service will do single stream recycling as is done by the current contractor.

Mayor Wordelmann then reported that he has prepared and released his tentative 2015-2016 budget for the Village of Lakewood and has submitted it to the Village Clerk pursuant to Village Law. Mayor Wordelmann noted that the tentative budget indicates a reduction in the tax rate from \$ 7.48/1,000 assessed value to \$ 7.12/1,000 assessed value. The reduction in the tax rate is due in part to a revaluation of assessments and additional development which increased the overall assessment. Mayor Wordelmann said he is proposing a "flat budget" which calls for an increase in spending of only \$5,900.00 and fits well under the 2% tax cap requirement.

Trustee Di Salvo asked Mayor Wordelmann in talking with Mr. Peter J. Smith, was there any indication of when he expected to initially meet with members of the comprehensive plan steering committee.

Mayor Wordelmann said Mr. Smith is looking to start sometime mid to late April.

Tree Committee Chairman Mr. Richard Rose indicated to Mayor Wordelmann and the Board of Trustees he would like to report on a couple of items.

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Mr. Rose said he is pleased to report that the pruning of one hundred twenty-five trees along Chautauqua Ave. was recently completed by Bruce E. Robinson, Inc., Forestry Consultants, Jamestown, N.Y. Mr. Rose thanked Mayor Wordelmann and the Board of Trustees for finding money in the current budget to fund the

project. He also thanked the DPW crew for cleaning-up the tree trimmings. On behalf of the entire Tree Committee Mr. Rose also thanked Mayor Wordelmann for setting-up a separate revenue line item in the tentative budget to fund future tree planting projects and by doing so it could assist the Village of Lakewood in soliciting funds from area foundations.

Mr. Rose also reported that the Women's Club of Lakewood has donated some money to the Lakewood Tree Committee for a tree to be planted in Richard O. Hartley Park, along Packard Way, near the children's playground area. Mr. Rose said the goal is to schedule the tree planting on Arbor Day, which is the last Friday in April, or on Saturday, April 25th.

RESOLUTION #113-2014-2015 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor Wordelmann, to set 6:45 PM, Monday, April 13, 2015 as the time and date to conduct a public hearing to review a Site Plan Review application as submitted by Bocar Family Holdings, Miami, Florida, regarding a proposal to do an interior remodel of 17,346 sq. ft. of the commercial building at 167 West Fairmount Ave., converting the space into a Save A Lot Food Store. In accordance with Section #25-89 [Site Plan Review] of the Village of Lakewood Zoning Law, the alteration/conversion of an existing structure having 5,000 sq. ft. or more of commercial floor space shall require site plan review. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #114-2014-2015 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Di Salvo, seconded by Trustee Drago, per the recommendation of Mayor Wordelmann, to set 6:40 PM, Monday, April 13, 2015 as the time and date to conduct a public hearing to review a Special Use Permit application as submitted by Mr. Jeremy Hirliman, 1122 Forest Ave., Jamestown, N.Y., regarding his proposal to establish a drive-in establishment/restaurant, (Farmer Brown's Beef & More), at 274 East Fairmount Ave. In accordance with Section #25-41, [Drive-In Establishments], of the Village of Lakewood Zoning Law, the establishment of a drive-in establishment within a B-2, Highway Business District shall require a special use permit. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #115-2014-2015 - APPROVE LICENSE AGREEMENT

Motion by Trustee Di Salvo, seconded by Trustee Drago, per the recommendation of Mayor Wordelmann, to approve the License Agreement between the Village of Lakewood and the Chautauqua Lake Community Sailing Foundation, Inc., whereby, for an annual user fee of \$ 500.00, the sailing foundation will be able to utilize certain areas of Richard O. Hartley Park, its beach house and a portion of its Chautauqua Lake shoreline as an access point for their sailing program, and to authorize Mayor Wordelmann to execute same. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

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RESOLUTION #116-2014-2015 - APPROVE NEW FIRE DEPARTMENT MEMBER

Motion by Trustee Drago, seconded by Trustee Di Salvo, for the Board of Trustees, acting as the Board of Fire Commissioners approve Mr. Alexander Hallberg, 3 Delaware Ave., as a new member of the Lakewood Volunteer Fire Department.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #117-2014-2015 - AUTHORIZE BUDGET TRANSFER

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 1,000.00 from the Trust & Agency Savings Account T1093.40, [4th of July Celebrations], to Account A-8510.40, [Community Beautification] to pay the down payment on the July 4, 2015 fireworks display.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #118-2014-2015 - SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to set 6:50 PM, Monday, April 13, 2015, as the time and date to conduct a public hearing on the Village of Lakewood's tentative budget for the fiscal year commencing June 1, 2015 and ending May 31, 2016.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

BUDGET REVIEW DISCUSSION

Trustee Jablonski asked Mayor Wordelmann how he proposes to review the tentative budget with the Board of Trustees.

Mayor Wordelmann said the past practice has been to discuss the various budget requests with the respective department heads during the work session prior to the public hearing.

Trustee Jablonski indicated he is pleased to see that the tentative budget includes funding for the comprehensive plan and trees, however he would favor less of a tax rate cut than Mayor Wordelmann has proposed. Trustee Jablonski said before he is asked to vote on the tentative budget he would like some questions he has about the tentative budget answered. Trustee Jablonski said he would like Mayor Wordelmann to consider amending the tentative budget as presented before the public hearing is conducted. Trustee Jablonski then questioned Mayor Wordelmann if there is any money appropriated in the tentative budget to carry out any capital improvements to the Anthony C. Caprino Municipal Building and if the Village of Lakewood plans on making a contribution to the Chautauqua Lake Association again this year?

Mayor Wordelmann indicated he did not appropriate any significant monies for upgrades to the Anthony C. Caprino Municipal Building however he did include

in the tentative budget a \$ 3,500.00 contribution to the Chautauqua Lake Association. Mayor Wordelmann indicated to Trustee Jablonski that the tentative budget can not be amended prior to the scheduled public hearing. If significant changes are made to the tentative budget as presented, another public hearing would have to be held prior to May 1st. By law, if the tentative budget isn't adopted by May 1st, the tentative budget as presented shall constitute the budget for the forthcoming fiscal year.

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Trustee Di Salvo said he echoes some of the comments made by Trustee Jablonski and applauds Mayor Wordelmann for reducing the tax rate, however his concern is that the reduction may be too drastic. The proposed tax rate is a 4.8% decrease, compared to the most recent inflation rate of 1.7%. Trustee Di Salvo said the cost of business hasn't gone down and that over the past ten years the average inflation rate has been at around 2.5%.

Trustee Di Salvo said he would like for Mayor Wordelmann to consider a 1% decrease in the proposed tax rate, (\$ 7.48/1,000 assessed value to \$ 7.41/1,000 assessed value). Trustee Di Salvo said the extra revenue generated would afford the Village of Lakewood the opportunity to build-up a reserve fund. Trustee Di Salvo said he agrees with Trustee Jablonski that this building has a lot of deferred maintenance that needs some attention now. Trustee Di Salvo said he would like to see more funding for sidewalks and also realizes the Village of Lakewood will need to ante-up a contribution for the newly formed Chautauqua Lake & Watershed Management Alliance, but appreciates Mayor Wordelmann's efforts.

Mayor Wordelmann reminded everyone that we need to focus on the tax levy rather than the tax rate and believes that property owners should not be taxed to be able to set some money aside. Mayor Wordelmann said the Village of Lakewood currently has an adequate fund balance.

Trustee Di Salvo said by upping the tax rate to only a 1% decrease would generate an additional \$70,000.00, which could be used for any number of things.

Mayor Wordelmann told Trustee Di Salvo by doing so the Village of Lakewood would exceed the 2% tax cap. We can not raise the tax levy by more than \$ 27,000.00, which represents a 1.6% increase in the tax levy of a year ago.

Trustee Drago said she can't see raising taxes just to raise taxes.

Trustee Di Salvo retorted that isn't what he is suggesting. Trustee Di Salvo said he is suggesting that the tax rate doesn't need to cut by \$.36/1,000 assessed value to stay under the tax cap.

Mayor Wordelmann then took a minute to review the budget summary page of the tentative budget noting that \$ 1,705,525.00 is the amount to be raised by the real property tax levy, which is then divided by the total assessment of \$ 239,308,409.00 in determining the tax rate. One reason the tax rate dropped is that the assessments increased by about ten million dollars.

Trustee Jablonski said he would like Mayor Wordelmann to consider amending

the proposed tax rate to a figure that could raise an additional \$ 26,000.00 in property tax revenue which could be used towards capital improvements.

Mayor Wordelmann told Trustee Jablonski he is welcome to propose any budget amendments at the public hearing April 13th.

Motion by Trustee Drago, seconded by Trustee Jablonski and unanimously carried the Board adjourned at 7:31 PM.

Joseph M. Johnson
Village Clerk