

JULY 27, 2015

The thirty-second regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, July 27, 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, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg 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 13, 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 July 27, 2015 be approved and that the Clerk shall execute said abstracts (#8 & #9) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,952.45, (Checks #3418 thru #3438), General Fund \$ 66,624.65, (Checks #11920 thru #11947)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that he and Town of Busti Highway Superintendent Melvin Peterson to take another look at the brush grinder that the two municipalities are considering the joint purchase of. Mr. Pilling said the Town of Busti has already agreed to pay half the purchase cost of \$ 30,000.00 and that the grinder will be moved to the Town of Busti highway building where it will undergo some maintenance upgrades with the replacement of a few hydraulic hoses. At that time the Village of Lakewood will be in a better position to come to a final decision on its joint purchase.

Mr. Pilling then reported that the DPW, with the help of the Towns of Busti and Kiantone paved West Terrace Ave. last week, replaced a 20 ft. sluice pipe at 87 East Terrace Ave. from the street to the lake and the crew started a pipe project along Sessions Ave.

Some discussion ensued regarding the striping of the newly paved section of West Summit Street and West Terrace Ave.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to six thousand five hundred seventy reportable incidents year-to-date and that Part-Time Police Officer Corbin S. Meleen resigned as of July 22, 2015 to take a full time position with the Village of Westfield. Chief Bentley also reported that the K-9 Team assisted the Lakewood Fire Department with a demonstration at the YWCA Lodge. Chief Bentley also mentioned that the K-9 Team, as part of its K-9 grant obligations, participated in the recent air show at the Niagara Falls Air

Force Base in an effort to thwart any bomb threats at that military facility. Chief Bentley also reported that there was a fatal drug overdose this past weekend on 6th Avenue in Cottage Park and there was a fatal motorcycle - vehicle accident at the intersection of South Main Street and the Stillwater Road this past Saturday evening.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to five hundred twenty-two alarms year-to-date, forty-one of which have occurred in the past two weeks. Four of those calls were structure fires, two of which were mutual aid calls in Celoron's fire district. Chief Hallberg also noted that earlier today the L.F.D. responded to five alarms in seventy-three minutes.

JULY 27, 2015 (CONTINUED)

Chief Hallberg then thanked Building Inspector Jeffrey A. Swanson for his quick response to a natural gas leak at 8 Olive Ave. the afternoon of July 21st. Chief Hallberg also reported that Medic-37, a 2005 Ford, is currently out of service and is need of a new turbo. Once it is repaired the L.F.D. will be considering selling or trading it in on a new vehicle and is hopeful the L.F.D. will be able to put an additional ambulance into service. Chief Hallberg also said the L.F.D. will be conducting a demonstration at the Lakewood Memorial Library tomorrow and reminded Mayor Wordelmann and the Board of Trustees of the L.F.D. Summerfest this Saturday at their clubhouse.

Mayor Wordelmann questioned Chief Hallberg about the scheduled repairs to Medic-37 and proceeded to ask who is going to pay for a new ambulance.

Chief Hallberg said he wasn't ready to bring up that particular question up yet, although he and the Mayor have discussed the matter previously. Chief Hallberg did note however that an ambulance committee has been formed and will be looking into various options.

Mayor Wordelmann said it sounds like the L.F.D. isn't planning on paying for it.

Trustees Jablonski asked Village Clerk Joseph M. Johnson how are things going so far this season at the public bathing beach at Richard O. Hartley Park and if there have been any beach closing due to poor water quality.

Village Clerk Johnson indicated that things at the beach are going well so far however attendance is down somewhat. Clerk Johnson indicated there haven't been any beach closings this year yet and that the lake water passed a test conducted by the Chautauqua County Health Department over the weekend.

RECESS

Motion by Trustee Barnes, seconded by Trustee Drago to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.

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

PUBLIC HEARING - 6:45 PM
RE: SAFE INGRESS/EGRESS
TOWN OF BUSTI COURT

125 CHAUTAUQUA AVE.

Mayor Wordelmann opened the public hearing at 6:45 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper.

With no one to be heard, Police Chief John R. Bentley indicated it is a non-issue in that he discussed the matter with Town of Busti Highway Superintendent Melvin Peterson and it was agreed to extend the existing railing west by six to eight feet which will force everyone to enter or exit the Town of Busti Court via the parking lot and not across the adjacent alleyway.

Mayor Wordelmann indicated Town of Busti Supervisor Robbins has withdrawn his request to have the Village of Lakewood abandon or block-off its alleyway, however it is a subject that might need to be revisited depending on how the rest of the Town of Busti administration building is remodeled. Mayor Wordelmann proceeded to close the public hearing at 6:48 PM.

JULY 27, 2015 (CONTINUED)

REPORTS (CONTINUED)

Building Inspector Jeffrey A. Swanson indicated that he has received plans from Harbor Freight Tools, Calabassas, CA, regarding the renovation of 20,365 sq. ft. of commercial floor space at 185 East Fairmount Ave., which was the former Crawford Furniture Outlet, which he would like for the Board of Trustees to refer to the Planning Board for Site Plan Review.

It was suggested by Mayor Wordelmann and Village Attorney Wright for the Building Inspector Swanson to require the applicant to submit all the necessary permit applications and related paperwork prior to having anything referred to the Planning Board.

Mr. Swanson then reported it is his opinion that the single family residence at 8 Olive Ave. is an unsafe structure and has asked Peter J. Radka, PE, of Rock Hill Engineering, LLC, Panama, N.Y., to conduct an inspection of the property and submit a report.

Trustee Di Salvo asked Building Inspector Swanson if the owner of the former Dairy Queen property at 156 West Fairmount Ave. has been notified regarding the property maintenance issues at that site, namely high grass and trees in need of trimming. Trustee Di Salvo said the high grass is very unsightly and unfortunately the site is near a highly traveled western gateway to the Village of Lakewood.

Building Inspector Swanson indicated to Trustee Di Salvo that the owner has been notified about the high grass, however because the owner lives out of state, it might be difficult to enforce through the local court system.

Mayor Wordelmann asked D.P.W. Supervisor Pilling if his crew could cut down the high grass around the former Dairy Queen property when they get a chance, so as to improve the sight lines for motorists at the intersection of Green

Street and West Fairmount Ave. (Rt. 394).

Trustee Jablonski the asked D.P.W. Supervisor Pilling if he could take a look at the hedgerow at the corner of Oak. Street and Maplevue Ave. which is encroaching the roadway, making for an unsafe condition.

RESOLUTION #169-2014-2015 - APPROVE FIRST RESPONDER STATUS FOR LFD MEMBERS

LAKESIDE FIRE DISTRICT
ASSISTANCE BY VOLUNTEER FIREFIGHTERS OUTSIDE OF FIRE DISTRICT
BOUNDARIES BEFORE AN OFFICER IN COMMAND IS AT THE SCENE

Motion by Trustee Drago, seconded by Trustee Di Salvo, that per Section 209-i of the General Municipal Law sets the rules that apply when an active volunteer firefighter offers his or her services to assist another fire department outside of the boundaries of the fire district and/or volunteer fire department he or she serves. That statute was recently amended. Previously, the statute provided a mechanism for a volunteer firefighter to offer his or her services to the jurisdictional officer in command of the local fire department (other than his or her fire department) at an individual fire or emergency scene or on an ongoing basis. However, in order for our active volunteer firefighters to have the protections afforded by that other fire department to its members under the Volunteer Firefighters Benefits Law ["VFBL"] in case of injury or illness incurred at such scenes the injury or illness would have to arise after the jurisdictional officer in command has accepted his or her services. There was no VFBL insurance coverage provided to such Good Samaritans unless and until their services were accepted by the jurisdictional officer in command.

JULY 27, 2015 (CONTINUED)

Section 209-i of the General Municipal Law, as amended, and effective on June 15, 2015, will now permit a fire district to afford this protection to its volunteer firefighters under its VFBL insurance coverage when the volunteer firefighter stops to assist at the emergency scene of another fire department from the time that the volunteer firefighter stops and enters that emergency scene until the jurisdictional officer in command of the other fire department arrives, takes control of the scene, and decides whether or not to continue to utilize the services the volunteer firefighter of this fire department who has offered his or her assistance. If the jurisdictional officer in command does not accept such services, the volunteer firefighter must follow the order to stand down and must safely remove him (her) self from the fire or emergency scene. All VFBL insurance coverage ceases with that refusal to accept services. Volunteer firefighters should be guided accordingly.

The following rules of this fire district shall govern volunteer firefighters of this fire district when they come upon an emergency scene of another fire department outside of the territorial boundaries of this fire district and area covered by our fire department:

1. The amendment of Section 209-i of the General Municipal Law, effective on June 15, 2015, has not created any new duty to act in such circumstances. The amendment of Section 209-i of the General Municipal Law, effective June 15, 2015, has not created any new authorization for

members of this fire department to self-dispatch themselves to the emergency scenes of other fire departments. The statute creates the opportunity to act when a volunteer firefighter of our department, "has knowledge of a fire or other emergency at or near the place where he is for the time being".

2. It is meant to provide the option of VFBL insurance coverage if an active volunteer firefighter happens to come upon an emergency scene or is close by and decides to render assistance.
3. It remains the policy of this Board of Fire Commissioners that active members of our fire department are not to respond to the emergency scenes of other fire departments at a distance which is not near their current location. If the emergency is not nearby, they are to wait for our fire department to be summoned for mutual aid assistance by that fire department
4. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to follow the safety precautions and rules that pertain to our fire department until the jurisdictional officer in command arrives at the scene and takes over command.
5. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to take normal scene safety precautions for him (her) self and others at the emergency scene.
6. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected follow the protocols for fire suppression, emergency rescue and emergency medical assistance as he or she has been trained to perform.
7. Members are reminded that simply stopping to assist another person(s) may not involve a fire department emergency in this jurisdiction and these rules and this coverage applies when the fire department in that jurisdiction is summoned for emergency assistance.
8. Active members are under no obligation to ignore the lack of necessary safety equipment or the staffing necessary to take an action.
9. In determining whether or not to offer assistance in such situations active volunteer firefighters should consider the duty classification and restrictions, if any, placed upon them by the District/ Department Physician as a result of their most recent district/department physical examination, and be guided accordingly.
10. If an active member of our fire department does stop and render assistance at an emergency scene in another jurisdiction, he or she is to submit a written report to the Chief of the Department within twenty-four (24) hours of completion of such assistance. At a minimum the report shall provide; a. the date, time and location of the emergency, b. the nature of the emergency, c. the nature of the assistance that he or she rendered, d. the name of the fire department that responded to the emergency, e. the name and rank of the jurisdictional officer in command at the scene, f. whether his or her assistance was accepted or declined by the jurisdictional officer in command after arrival,

JULY 27, 2015 (CONTINUED)

- g. the action if any taken by such person after his or her services were accepted or denied, h. the date and time that his or her services were completed , i. whether or not he or she is complaining of an illness or injury as a result

of such service, j. the nature of such illness or injury, and k. whether or not such illness or injury was reported to the host fire department.

IT IS THEREFORE RESOLVED, that based upon the foregoing it is the intention of the Board of Fire Commissioners of the Lakewood Fire District to make available to the active members of the Lakewood Fire Department the protections of Section 209-I, subp. 1-b, of the General Municipal Law as amended, and effective June 15, 2015, and to afford to any active member injured, rendered ill, or dying as a result of rendering services outside of our jurisdiction at the emergency scene of another fire department the protections of the Volunteer Firefighters Benefits Law, and insurance coverage provided thereunder until such a time as the jurisdictional officer in command arrives at the scene, and

IT IS FURTHER RESOLVED, that whenever an active volunteer firefighter of the Lakewood Fire Department provides services under Section 209-i of the General Municipal Law after responding to such a scene near the place where he or she is for the time being and there is no jurisdictional officer in command present, such active volunteer firefighter shall report to such officer when he or she arrives and offer his or her assistance to such fire company or fire department. If such offer of assistance is not accepted, the active firefighter of the Lakewood Fire Department must immediately cease providing assistance, stand down and safely exit the emergency scene. If such assistance is accepted he or she shall follow the orders of the jurisdictional officer in command.

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

RESOLUTION #170-2014-2015 - APPROVE USE OF VILLAGE STREETS

Motion by Trustee Di Salvo, seconded by Trustee Jablonski to approve Kallie's Krusade to make use of Village streets as a route for a 5-K run/walk, to be held 10:30 AM, Monday, September 7th (Labor Day).

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

RESOLUTION #171-2014-2015 - ACCEPT POLICE OFFICER RESIGNATION

Motion by Trustee Drago, seconded by Trustee Barnes, to accept with regret the resignation of Part-Time Police Officer Corbin S. Meleen, who has accepted a full-time position with the Village of Westfield Police Department. Officer Meleen worked as a Part-Time Police Officer for the Lakewood-Busti Police Department since June 11, 2014.

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

Motion by Trustee Barnes, seconded by Trustee Jablonski and unanimously carried the Board adjourned at 7:00 PM.

Joseph M. Johnson
Village Clerk