

APRIL 27, 2015

The twenty-sixth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, April 27, 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 and Fire Chief Kurt W. Hallberg. Absent were Trustee Gale A. Denn, and Building Inspector Jeffrey A. Swanson.

#### APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Di Salvo, to approve the minutes of the last regular meeting of the Board of Trustees, held April 13, 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 April 27, 2015 be approved and that the Clerk shall execute said abstracts (#15, #49 & #50) and direct payment by the Treasurer. Capital Fund: \$ 148.30, (Checks #11619 thru #11620), Trust & Agency Fund: \$ 52,372.18, (Checks #3319 thru #3332), General Fund: \$ 27,771.69, (Checks #11425 thru #11461)  
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling respectfully requested approval from the Board of Trustees to attend the New York State Highway Superintendent's School to be held in Ithaca, New York, Sunday, May 31<sup>st</sup> thru Wednesday, June 3<sup>rd</sup>. Mr. Pilling reported that the Department of Public Works has auctioned-off two used trailers so as to purchase a safer, newer style trailer on which to haul equipment. Mr. Pilling he will be getting some prices on the trailer upgrade for the Board of Trustees' review. On another equipment matter, Mr. Pilling said he is working with a local dealership to honor the pricing for a 2015 pick-up truck. The manufacturer has ceased making 2015 trucks and the price for a 2016 truck is slightly higher. Mr. Pilling also reported that the annual brush pick-up will begin Monday, May 4<sup>th</sup> and that he recently met with Mr. David Spann, from the Chautauqua County Soil & Water Conservation District and Chautauqua Mall officials to discuss storm water management and the possibility of establishing a storm water retention area in the southeast corner of the mall's parking lot.

Mayor Wordelmann asked Mr. Pilling for a status report on the Water Quality Improvement Project, (WQIP) scheduled for Crescent Creek, between East Summit Street and the railroad tracks.

Mr. Pilling said it is his understanding that the preliminary engineering for this project is expected to begin soon.

Mr. Pilling said he also wished to report that Chautauqua County has scheduled the paving of West Summit Street, (County Highway #110) from the Big Tree Road east to Winchester Road.

Mayor Wordelmann asked if Chautauqua County will be including a bike lane in the West Summit Street paving project.

Trustee Di Salvo said the Village of Lakewood has adopted a Complete Streets Ordinance and is hopeful that Chautauqua County will consider including a bike/walking lane within the scope of the aforementioned paving project.

APRIL 27, 2015 (CONTINUED)

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to three thousand six hundred ninety-four reportable incidents year-to-date.

Mayor Wordelmann asked Chief Bentley, taking into account with what is happening in other parts of the country between minority citizenry and law enforcement, what type of training do local officers receive when dealing with these sensitive issues.

Chief Bentley indicated officers undergo extensive training in the apprehension and subsequent arrest of individuals, however the Lakewood-Busti Police Department doesn't have that much interaction with minorities. When sensitive situations surface in other parts of the country our officers engage in discussion among themselves on the subject at hand. Chief Bentley said officers from the Lakewood-Busti Police Department are pretty sensitive and we've had very few complaints related to dealings with minorities.

Village Attorney Wright asked Chief Bentley if any law enforcement agencies within Chautauqua County have put into practice the use of body cameras.

Chief Bentley indicated the Village of Westfield Police Department has two body cameras in use and the Jamestown Police Department is looking into the use of them, however there are a number of issues associated with their use. Some of the issues include NYS Search & Seizure Laws, Freedom of Information Law, storage of data, when to turn on and/or turn off the camera and questions about what data can be shared. Chief Bentley said because the New York City Police Department is looking into the use of body cameras, it may prompt the New York State Attorney General's Office to look more closely into some of these issues. Although vehicle cameras have been very helpful in enforcing vehicle and traffic laws the past twenty years, their use is limited when compared to body cameras.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to two hundred eighty-two alarms year-to-date. Of the twenty-six alarms in the past two weeks one was a motor vehicle accident with entrapment. Chief Hallberg indicated that yesterday across New York State local volunteer fire departments conducted programs in an effort to recruit additional volunteers. The Lakewood Fire Department did receive one application for membership. Chief Hallberg also reported that the department did receive a donation of a pet rescue oxygen mask from a village resident and that the Lakewood Fire Department will be participating in a mock driving while intoxicated (DWI) drill Tuesday, May 26<sup>th</sup> at Southwestern Central School.

Village Treasurer Andrea J. Windoft was happy to report that the scarfs for the dogs registered at the Village of Lakewood dog park have been delivered and are being distributed. Mrs. Windoft said the scarfs identify the dogs which are registered and have received the proper vaccinations. Mrs. Windoft said Mr. Robert Lucas, of Chautauqua Hydro-Seed, and who is a regular user of the dog park, has offered to seed the dog park at no cost to the Village of Lakewood. Mrs. Windoft said he would likely do half of the park this spring and the other half this fall.

#### COMMITTEE REPORTS

Mayor Wordelmann reported that the Women's Club of Lakewood along with the Local Community Development Corporation will be conducting a Community Clean-Up Day, along Chautauqua Ave., Saturday, May 9<sup>th</sup>, starting at 7:00 AM. Those interested in helping are asked to contact Cheryl Johnson.

Trustee John Jablonski said that same morning there will be a Spring Lake Rally at the Town of Chautauqua Municipal Building in Mayville, N.Y., from 8:30 AM - noon. Those attending will learn about different programs and initiatives impacting Chautauqua Lake and will get a chance to meet Ms. Erin Brickley, the new Executive Director of the Chautauqua Lake & Watershed Management Alliance.

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Mr. Ted McCague, Chairman of the Comprehensive Plan Steering Committee indicated the committee had its first meeting with representatives from Peter J. Smith & Company, Inc., Buffalo, N.Y., Monday, April 20<sup>th</sup>, which went very well. Mr. McCague said the next meeting on the comprehensive plan will be between a select number of focus groups and representatives from Peter J. Smith & Company, Thursday, May 14<sup>th</sup>. Mr. McCague said members of the focus groups will be receiving an invitation in letter form from the Village of Lakewood. To accommodate the varying work schedules of the focus groups there will be two sessions, one at 3:30 PM and the other at 5:30 PM. Mr. McCague then indicated the first community forum, which will be open to the public, has been tentatively set for Wednesday, June 24<sup>th</sup>.

Mr. David G. Bargar, 11 Sunset Ave., indicated at the last Board of Trustees meeting there was some discussion about beginning paid hospital transport by the fire department, the local libraries and the future of the Anthony C. Caprino Municipal Building. He asked if these subjects or concerns will be part of the make-up of the comprehensive plan process and who would be making those decisions.

Mayor Wordelmann said he believes the concerns mentioned by Mr. Bargar should be seriously looked at during the development of the Village of Lakewood's comprehensive plan. During the community forums residents will be given the opportunity to share these and other concerns.

Mayor Wordelmann said he had a recent discussion with Librarian Mrs. Mary Miller and the question must be asked what will be the role of the Lakewood Memorial Library in the community ten years from now.

Mr. Bargar said it will be very important to encourage residents to participate at the community forums so the thoughts and concerns everyone can

be heard.

Mr. Ted McCague, 12 Park Lane, Chairman of the Comprehensive Plan Steering Committee agreed with Mr. Bargar saying anyone with ideas or thoughts to please bring them to the attention of his committee or Mayor Wordelmann.

Mr. Richard Rose, 42 Gifford Ave., indicated that there was some discussion two weeks ago about signage for the proposed Save A Lot Food Store at 167 West Fairmount Ave. as it relates to the tree canopy along the roadway. Because many of the branches on those trees are hanging lower than the 9 ft. maximum height of a monument sign, Mr. Rose suggested that the trees be trimmed up from the bottom.

Mayor Wordelmann thanked Mr. Rose for his suggestion.

#### ANYONE TO BE HEARD

Dr. Rudolph Mueller, 7 Sunset Ave., began by thanking Mayor Wordelmann for preparing a "flat tax" budget and for doing a good job to control spending. Dr. Mueller indicated Village of Lakewood taxpayers also pay Town of Busti taxes and it is important to point out how each municipal budget interacts with each other. Over the past few years spending by each has increased by about \$ 200,000.00. Dr. Mueller said a factor in "flat tax" budget by the Village of Lakewood was being able to "push" more of the police department costs onto the Town of Busti via the latest police services agreement. The Town of Busti's response has been to raise taxes for Village of Lakewood taxpayers. Although the tax rate for the Village of Lakewood tax payers has decreased, their overall taxes have increased by about 12% over the past three years. Dr. Mueller also indicated that spending across the board has increased and believes the current trend of tax increases can not be sustainable.

Mayor Wordelmann said in response apparently that four years ago there should have been a movement to dissolve a different entity. Mayor Wordelmann said the comments made by Dr. Mueller supported the idea why the Village of Lakewood needs to remain as the Village of Lakewood, adding we have controlled spending and taxes.

APRIL 27, 2015 (CONTINUED)

It is unfair to blame the Village of Lakewood for higher taxes when in reality the increases stem from the Town of Busti budget. The Village of Lakewood can not control the Town of Busti's budget process. The question that was asked numerous times prior to the vote to dissolve the Village of Lakewood nearly five years ago was what do Village of Lakewood taxpayers get for their Town of Busti tax.

Mayor Wordelmann indicated that Village government is the most efficient and cost effective form of government. For each and every village tax dollar paid out, some type of service is provided in return, whether it be fire/ambulance, police, street lighting, garbage pick-up, parks, etc. To imply the Village of Lakewood is the reason for high taxes is ridiculous and unfounded. Mayor Wordelmann suggested that if taxpayers have issues with their Town of Busti taxes then they should approach their Town officials.

Trustee Jablonski thanked Dr. Mueller for his thoughts on budgets and taxes.

Dr. Mueller also wished to bring up a point about the Town of Busti Recreation Center and its budget. He wanted to make people aware that the unassigned surplus funds for the recreation center has dropped from \$ 96,000.00 to \$ 31,000.00.

Mayor Wordelmann said that particular line item is a budgetary question that the Town of Busti will have to answer to if and when questioned by the Office of the State Comptroller's Office. He indicated that when the Village of Lakewood opted out of the Busti-Lakewood Recreation Commission agreement three years ago the amount in the unassigned surplus fund totaled \$ 108,000.00. It was understood at the time that half of the money belonged to the Town of Busti and the other half belonged to the Village of Lakewood. Depending on the future of a Town recreation program, any money from the fund spent by the Town of Busti, must be approved by the Village of Lakewood. If some of the money in that particular fund has already been spent then the Town of Busti will be obligated to reimburse that fund accordingly.

Trustee Di Salvo indicated he was going to save his following comments until discussion on the Tentative Budget, but went ahead and asked what is the status of the Town of Busti's recreation program. While referencing the annual financial reports for the Town of Busti Recreation Program for the past four years, Trustee Di Salvo indicated at the beginning of 2013 there was \$ 108,000.00 in the fund and at the end of 2014 there was only \$ 39,000.00. Also noted in the report was a deduction of \$ 91,000.00, of that amount

\$ 40,000.00 was for the youth program. The prior year the youth program accounted for only \$ 12,000.00.

There was no explanation for the increase and there was also a building/equipment capital outlay of \$29,000.00 last year. Trustee Di Salvo asked was the money spent on the former recreation center or on a build-out at new Town of Busti office. Eventually there will be an audit done, however Trustee Di Salvo said if he doesn't get answers to these questions, he will contact the New York State Comptroller's Office and request an audit. This joint recreation fund potentially impacts the Village of Lakewood's budget for the upcoming fiscal year on the revenue side. Trustee Di Salvo said any money in the fund that is not used for its intended purpose should come back to the Village of Lakewood.

Mayor Wordelmann indicated that money in the joint recreation fund has no bearing on the Village of Lakewood's tentative budget as presented. When the Village of Lakewood opted out of the joint recreation agreement payments to the Town of Busti ceased. Any money remaining in that fund by law must be spent on expenses related to recreation and requires approval from the Village of Lakewood.

Trustee Di Salvo said he is a little "put-off" by the fact that money in the joint fund is being moved around and unfortunately none of us know what the status of the recreation program is or is going to be. Trustee Di Salvo said he is hopeful that Town of Busti officials will at least let this board know what is going on. Village tax revenue contributed to this fund and if they intend to have a recreation program they should let us know. Although the Village of Lakewood is no longer part of a joint recreation agreement, it would be nice if the Village of Lakewood had a say in what type of recreation program is being considered for the entire township.

Trustee Di Salvo suggested that the Board of Trustees consider asking the Town Supervisor to provide the Village of Lakewood with a detailed report on the revenue in the recreation fund.

Mayor Wordelmann indicated it is his understanding that a committee is looking into options for a township wide recreation program.

RESOLUTION #129-2014-2015 - ADOPT 2015-2016 TENTATIVE VILLAGE BUDGET

Motion by Trustee Drago, seconded by Mayor Wordelmann, for the Board of Trustees to adopt the tentative budget for the Village of Lakewood in the amount of \$ 3,362,131.00 for the fiscal year June 1, 2015 - May 31, 2016, making appropriations for the conduct of Village government and establishing the rate of compensation for its elected officials, which will remain at the previous year's rates. Mayor:

\$ 7,500.00, Trustees: \$ 3,500.00

WHEREAS the Board of Trustees conducted a public hearing on the tentative budget at the time and place specified in the notice of public hearing and heard all persons desiring to be heard.

THEREFORE BE IT RESOLVED that the tentative budget as presented hereby be adopted by default.

NOTE: The newly adopted budget reflects a tax rate of \$ 7.12/1,000 assessed valuation which is decrease of \$ .36/1,000 assessed valuation when compared with last year's tax rate.

Adopted by default: 2 ayes, (Wordelmann, Drago), 2 nays (Di Salvo, Jablonski)

RESOLUTION #130-2014-2015 - AUTHORIZE LOCAL GOV'T. CONFERENCE ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing members of Board of Trustees, Planning Board, Zoning Board of Appeals and other officials to attend the Local Government Conference to be held at Houghton College, Wednesday, May 6, 2015. The one day conference is being presented by Southern Tier West, Salamanca, N.Y.

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

RESOLUTION #131-2014-2015 - AUTHORIZE HAZ-MAT CONFERENCE ATTENDANCE

Motion by Trustee Di Salvo, seconded by Jablonski, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize Fire Department member Daniel Imfeld to attend the annual Hazardous Materials Conference in Hunt Valley, Maryland, May 27<sup>th</sup> - May 30<sup>th</sup>. Mr. Imfeld will be reimbursed for any and all legal expenses incurred.

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

RESOLUTION #132-2014-2015 - AUTHORIZE NYS FIRE CONFERENCE ATTENDANCE

Motion by Trustee Di Salvo, seconded by Trustee Drago, that the Board of Trustees acting as the Board of Fire Commissioners authorize Fire Chief Kurt W. Hallberg, 1<sup>st</sup> Assistant Chief Steve Smouse and Safety Officer Jack Knowlton to attend the NYS Association of Fire Chief's Convention & TradeShow, June 17<sup>th</sup> - June 20<sup>th</sup> at the Turning Stone Resort, Verona, New York.

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

RESOLUTION #133-2014-2015 - APPROVE 2015 DOCK PERMIT APPLICATIONS

Motion by Trustee Jablonski, seconded by Trustee Drago, to approve the following 2015 dock permit applications as submitted Mark Ramsey, 8 Oakland Ave., for the Oakland Ave. right-of-way and John Hickey, 147 West Summit Street, for the Gifford Ave. right-of-way.

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

APRIL 27, 2015 (CONTINUED)

RESOLUTION #134-2014-2015 - AUTHORIZE N.Y.S. HIGHWAY SUPERINTENDENT'S SCHOOL ATTENDANCE

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, authorizing Department of Public Works Supervisor Thomas R. Pilling to attend the New York State Highway Superintendent's School to be held in Ithaca, New York, May 31<sup>st</sup> - June 3<sup>rd</sup>. D.P.W. Supervisor Pilling will reimbursed for any and all legal expenses incurred.

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

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, and unanimously carried the Board adjourned at 7:30 PM.

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Joseph M. Johnson  
Village Clerk