

JUNE 8, 2015

The twenty-ninth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 8, 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 and Fire Chief Kurt W. Hallberg. Absent was Building Inspector Jeffrey A. Swanson.

MOMENT OF SILENCE

Mayor David T. Wordelmann asked those in attendance to remain standing following the pledge of allegiance for a moment of silence in honor and memory of Trustee Gale A. Denn, who after a long and courageous battle with cancer, died June 2, 2015. Mr. Denn served as Village Trustee since April 4, 2011.

Mayor Wordelmann indicated Mr. Denn had a long and distinguished career in public service prior to relocating to Lakewood. He noted that Mr. Denn served with the Erie County Sheriff's Department for twenty-five years, was the Supervisor for the Town of Eden for twelve years, was a US ARMY veteran and more recently was part of a team of law enforcement officials from the United States who traveled to Kosovo and Bagdad to train police officers in those war ravaged countries in an effort to bring stability to those regions. Mayor Wordelmann indicated he will miss Gale's candor and will be forever grateful to him for his guidance as he took on the role of Mayor of the Village of Lakewood four years ago.

Mayor Wordelmann thanked and commended Gale for his service to the Village of Lakewood, Erie County and the United States of America.

TRUSTEE APPOINTMENT

Mayor Wordelmann said at this time he would like to introduce the individual who has agreed to serve the balance of Mr. Denn's term. Mayor Wordelmann indicated Ms. Ellen E. Barnes, 78 East Terrace Ave., served as a part-time Police Officer with the Lakewood-Busti Police Department for twenty-five years prior to her retirement in 2013. Ms. Barnes is very well known throughout the community and also served as the D.A.R.E Officer for the L-BPD. Mayor Wordelmann said he is pleased to announce his appointment of Ms. Barnes as Village Trustee and proceeded to ask Village Clerk Joseph M. Johnson to administer the Oath of Office to her. Mayor Wordelmann noted that Ms. Barnes will be the fourth woman to serve as a Village Trustee since the Village of Lakewood was incorporated in 1893.

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 May 26, 2015. Adopted: 4 ayes, no nays (Barnes, 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 May 29, 2015 and June 8, 2015 be approved and that the Clerk shall execute said abstracts (#18, #56, #57 & # 58) and direct payment by the Treasurer. Capital Fund: \$1,038.60, (Check #11748), Trust & Agency Fund: \$ 52,725.60, (Checks #3357 thru #3371), General Fund End of Month: \$ 22,788.82, (Checks #11744 thru #11747), General Fund: \$ 42,385.41, (Checks #11749 thru #11796).

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

JUNE 8, 2015 (CONTINUED)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated he met with Dr. Bradley L. Nelson, 36 East Terrace Ave., regarding the recent property damage accident involving the retaining wall located in front of his house along East Terrace Ave. Mr. Pilling said the wall is located within the public right-of-way and asked for some direction from Mayor Wordelmann and the Board of Trustees regarding its repair or replacement. Mr. Pilling said he will put together some ideas and present them to the Board of Trustees for their review and comment.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to five thousand thirty-one reportable incidents year-to-date and that the two new police patrol cars (2015 Dodge Chargers) have been delivered. He added one is on the road already. Chief Bentley also reported that Officer Michael T. Currie is currently attending the Crime Scene School being conducted in Erie County. Upon completion of the school Officer Currie will be appointed to the Forensic Investigation Team (FIT).

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to three hundred eighty alarms year-to-date adding the alarms the past two weeks have been routine emergency medical service (EMS) calls.

Mayor Wordelmann asked Chief Hallberg if there has been any information on the new pumper that is being built.

Chief Hallberg said we should be hearing from the manufacturer again sometime soon.

Trustee Di Salvo indicated to Chief Hallberg the potential savings for electric costs at the fire station by utilizing a third party contractor (Lime Energy) through National Grid and it looks like a good deal. Trustee Di Salvo asked if it would be possible for Lime Energy to also conduct an energy audit of this building.

Chief Hallberg did ask Lime Energy to contact the Village Clerk's Office for that purpose. If they haven't called yet, he will be happy to provide the Village Clerk with a contact and phone number.

Mr. David G. Bargar, 11 Sunset Ave., asked Chief Hallberg if there has been any progress in establishing a pay-for-hospital-transport program for the Lakewood Fire Department.

Chief Hallberg indicated that the Lakewood Fire Department is waiting for

things to happen at the State level before they proceed. The State of New York is considering allowing volunteer fire departments to operate a paid hospital transport program without establishing a separate entity within the fire department. He said they are still evaluating feedback from neighboring fire departments who have undertaken such a program. Chief Hallberg stressed that the Lakewood Fire Department wants to make sure everything is in place before moving forward on this matter.

COMMITTEE REPORTS

Trustee Di Salvo indicated he and fellow Buildings Committee member, Trustee Jablonski met some time ago with Village Clerk Johnson to discuss the cleaning contracts for the Village Hall and the Fire Station and to consider cutting back the number of times the facilities are cleaned from three to two times per week as a money saving measure. For obvious reasons it was determined that the fire station should remain on a three times per week schedule however consideration was given to cutting back to two times per week for the Clerk's Office and police station, with the understanding that the police station could be cleaned more often on an as needed basis.

Trustee Di Salvo indicated that Police Chief Bentley was agreeable to reducing the cleaning sessions from three to two times per week and any extra times as deemed necessary.

JUNE 8, 2015 (CONTINUED)

Trustee Di Salvo indicated upon review of the current cleaning contract, and much to his surprise and chagrin, the contract still calls for three days per week for the Clerk's Office and Police Department. Trustee Di Salvo said he was disappointed that he wasn't given the courtesy of an explanation as to why the cleaning contract for the Village Hall remained at three cleaning session per week.

Mayor Wordelmann indicated to Trustee Di Salvo that the current Village of Lakewood budget includes appropriations to pay for cleaning services three times per week for both facilities. In talking with female staff members of the Clerk's/Treasurer's office, Mayor Wordelmann said it was noted that the restrooms are used by police department detainees and therefore it doesn't make sense to reduce the number of weekly cleaning sessions from three to two. Mayor Wordelmann reiterated that the funding for office cleaning was approved via the budget being approved, albeit by default.

Trustee Di Salvo indicated to Mayor Wordelmann it is ultimately his decision, however at the very least, after being asked to do some research and offer a solution, he was owed an explanation on that decision.

Fire Chief Kurt Hallberg, owner of Southwestern General Maintenance, the current cleaning contractor, indicated that that if the number of cleaning sessions was reduced from three to two, it would involve more work and therefore he would need to increase the Village of Lakewood's cost per session. Mr. Hallberg added because the police department offices are in service 24/7, it is his opinion three cleaning sessions per week is the absolute minimum.

The Comprehensive Plan Steering Committee Chairman Ted McCague reported that first of two scheduled community visioning forums will be held at 7:00 PM,

Wednesday, June 24th, at the Gloria Dei Lutheran Church Hall, 35 West Fairmount Ave.

ANYONE TO BE HEARD

Ms. Julie Pratt, daughter of Charles & Susan Pratt, owners of Charlie's Cruisin' Restaurant, 400 East Terrace Ave., appeared before Mayor Wordelmann and members of the Board of Trustees to answer any questions that they may have regarding the soon to open restaurant. Ms. Pratt indicated there is still some work yet to be done, but they are hoping to open for business by the 4th of July.

Mr. Randy Ridgeway, 323.5 East Terrace Ave., said he read with interest Mayor Wordelmann's article that was published in The Post-Journal, Sunday, June 7th, which was his response to a previous editorial on the vote five years ago, to dissolve or not dissolve the Village of Lakewood. Mr. Ridgeway said in that article Mayor Wordelmann noted that a committee worked for six months gathering information on the pros and cons on the idea of dissolution. Mr. Ridgeway then asked if a report on the information gathered was ever produced.

Mayor Wordelmann indicated to Mr. Ridgeway that he has boxes of information that was gathered prior to the referendum on August 25, 2010. Mayor Wordelmann also indicated that the editorial in The Post-Journal stated the Village of Lakewood "missed the boat" five years ago when village residents voted to keep the village rather than become part of the Town of Busti. A second message stemming from the editorial encouraged village residents not to make the same mistake a second time when given the opportunity to dissolve its village.

Mayor Wordelmann said the ad hoc committee did in depth studies on each and every financial aspect regarding the dissolution of the Village of Lakewood. The bottom line was if the Village of Lakewood were to dissolve and become part of the Town of Busti, property taxes for those living in the Village of Lakewood would have increased. Mayor Wordelmann stressed that every service provided to village residents is paid for through village taxes.

JUNE 8, 2015 (CONTINUED)

If the Village of Lakewood were to be dissolved, services such as police protection, fire and ambulance service, street lighting, garbage collection, etc. wouldn't disappear.

Mayor Wordelmann indicated the Town of Busti wouldn't be able to incur these costs, but rather they would likely establish special districts within the Village of Lakewood and charge accordingly for the respective services.

Joseph M. Troche, 19 Winchester Road, and former Village Trustee, said residents are reluctant to give up any services they are presently receiving and if those favoring dissolution think they are going to receive the same services without paying considerably more for them, they are mistaken.

Trustee Jablonski, although not a member of the Board of Trustees at the time, wondered whether the information presented at that time was done so

objectively.

Mayor Wordelmann told Trustee Jablonski he can not allow him to insinuate that former Mayor Anthony C. Caprino presented biased information on this matter to the taxpayers. He then asked Trustee Jablonski if he was at those meetings. Those who weren't at those meetings have no right to speak about what was or wasn't presented. Mayor Wordelmann said five years ago there were two groups of voters, those favoring the status quo and those favoring dissolution. On August 25, 2010, those who favored the status quo won out.

Trustee Jablonski said he would have liked to have seen some sort of written report on the cost comparisons between the Village of Lakewood and the Town of Busti related to dissolution process.

Trustee Di Salvo said this conversation proves the dissolution of a municipality is a very emotional issue and the best way diffuse the emotion is to have the facts. What Mr. Ridgeway is asking for is a copy of a report on the dissolution costs, pro and con, if one is available.

Trustee Drago indicated dissolution might work for some communities but likely not every community.

PUBLIC DISCUSSION - BRUSH & YARD WASTE PICK-UP SERVICE

Mayor Wordelmann briefly explained the weekly brush and yard waste pick-up service currently provided by the Department of Public Works. He said a small minority of residents do not adhere to the pick-up rules and regulations, in particular placing brush and yard waste out along the roadside long before its scheduled pick-up. The questions are, should this wonderful and much appreciated service be altered in any way, and how best to enforce the current set of rules and regulations.

Mayor Wordelmann said one idea relating to enforcement was voiced by Deputy Clerk/Treasurer

Mary B. Currie who suggested sending a letter to those who don't follow the rules asking for compliance. If they elect to violate the rules a second time, their monthly pick-up service is be suspended for the year and they shall be held responsible for disposing their brush and yard waste at the prepared site themselves.

Mr. Joseph M. Troche, 19 Winchester Road, suggested that this service be eliminated. He also suggested that if this service is eliminated, the hours when the site is open on Saturdays should be extended. Another issue related to this service is residents stockpile their yard waste too far into the street. If residents don't follow the rules assess a fine.

Mayor Wordelmann said he would rather enforce the rules by suspending the service rather than instituting fines.

JUNE 8, 2015 (CONTINUED)

Mr. Ted McCague, 12 Park Lane, said he wouldn't doubt that some local landscaping contractors take advantage of the weekly service performed by the Department of Public Works.

Mayor Wordelmann also said when yard waste is left in the street or open ditches it presents some storm water drainage issues.

Mr. David Bargar, 11 Sunset Ave., said he would support a fine system and through some peer pressure encourage residents who have the means to dispose yard waste and brush at the dump site themselves.

D.P.W. Supervisor Thomas Pilling said this program was established in an effort to clean-up the village and assist those who can't take care of their brush and yard waste themselves.

Trustee Di Salvo indicated that earlier today while auditing the claims, he was approached by Ms. Marilyn Osborne, 21 Cherry Lane, who indicated that she loves the service but doesn't understand why the D.P.W. needs to pick-up grass clippings. Trustee Di Salvo said she asked why should the majority potentially be punished because of the actions of a few who don't comply with the rules.

Trustee Jablonski suggested that the Board of Trustees consider working on a new local law relative to the weekly brush and yard waste pick-up service prior to next spring.

Mayor Wordelmann said there is no easy solution as far as enforcement goes and agrees that we are too far into summer to change the current program. He said it will be up to the Village of Lakewood to notify the violators and to encourage them to comply with the rules for the betterment of the entire village.

Trustee Barnes asked Village Attorney Wright if the Village of Lakewood could impose a civil penalty/fine on the violating property owner and if it goes unpaid, could it be levied onto their village tax bill.

Village Attorney Wright said Chautauqua County has come out with a policy that they will not collect this type of fine and therefore the action is unenforceable.

Mayor Wordelmann said some good ideas have come out of tonight's public discussion however the weekly pick-up service is something we need to look at again before next spring. Mayor Wordelmann said those violating the pick-up service rules and regulations will receive reminders and just maybe everyone eventually will be compelled to comply.

RESOLUTION #149-2014-2015 - SET TIME & DATE FOR PUBLIC HEARINGS

Motion by Trustee Drago, seconded by Trustee Barnes, to set 6:45 PM, Monday, June 22, 2015, as the time and date to conduct public hearings on Special Use Permit applications as submitted by: George J. Meier, Jr., 7 Glenwood Ave. - Fence, Mark Riolo, 14 Gifford Ave. - Fence, Jillian Shults, 106 Winchester Road - Fence, Laurie Shults, 6 Alta Way - Fence, and Bernadette van der Vliet, 21 Stoneman Ave. - Fence.

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

RESOLUTION #150-2014-2015 - APPROVE NEW LAKEWOOD FIRE DEPT. MEMBER

Motion by Trustee Di Salvo, seconded by Trustee Drago, for the Board of Trustees acting as the Board of Fire Commissioners approve Bradley Joy, 30

Lakeview Dr. as a new member of the Lakewood Volunteer Fire Company.

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

JUNE 8, 2015 (CONTINUED)

RESOLUTION #151-2014-2015 - APPOINT LIFEGUARD STAFF - 2015

Motion by Trustee Drago, seconded by Trustee Barnes, per the recommendation of Village Clerk Joseph M. Johnson, to appoint the following individuals as lifeguards at Richard O. Hartley Park/Beach for the 2015 beach season.

Supervisory Lifeguard: Michael J. Burns, Jamestown, N.Y. (\$ 10.50/hr.), and Lifeguards: Gabriella Hoose, Lakewood, N.Y., (\$9.00/hr.), Katie I. Lawton, Lakewood, N.Y., (\$9.00/hr.), Kelsey J. Powers, Lakewood, N.Y., (\$9.00/hr.), Kelly T. Stevens, Lakewood, N.Y., (\$9.00/hr.), Sydney G. Burk, Lakewood, N.Y., (\$9.00/hr.) and Jillian S, Lawton, Lakewood, N.Y., (\$9.00/hr.).

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

RESOLUTION #152-2014-2015 - APPROVE 2015 LAKE MAINTENANCE AGREEMENT

Motion by Trustee Jablonski, seconded by Trustee DiSalvo, 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 Association's lake maintenance program for 2015.

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

RESOLUTION #153-2014-2015 - APPROVE 2015 DOCK PERMIT APPLICATION

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the 2015 Dock Permit application as submitted by John A. Johnson, 178 Front Street, for the Woodlawn Ave. right-of-way.

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

RESOLUTION #154-2014-2015 - APPROVE PAY RAISE

Motion by Trustee Di Salvo, seconded by Trustee Drago, for the Board of Trustees to approve a pay raise for all non-union employees, (2% for salaried employees, \$.50/hr. for hourly employees) per the 2015-2016 Village of Lakewood Budget as adopted as of May 1, 2015.

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

RESOLUTION #155-2014-2015 - APPROVE MEMBERSHIP - LAKE & WATERSHED ALLIANCE

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and WHEREAS, the Chautauqua Lake & Watershed Management Alliance has been established as a nonprofit New York organization to procure funding and prioritize projects recommended in the Chautauqua Lake Watershed

Management Plan, and Macrophyte Management Strategy, and the Chautauqua Lake LWRP, to benefit the water quality of Chautauqua Lake; and WHEREAS, memorandums of understanding supporting the creation of the Alliance were pledged by municipalities, local foundations, water shed and lake organizations and various stakeholders; and WHEREAS, initial funding for the Alliance has been pledged by the Ralph C. Sheldon Foundation, the Lenna Foundation and Chautauqua County; and WHEREAS, it is essential during its formation stage and long term that the Alliance seek and procure membership commitments and dues from members to support the formation and sustainability of the Alliance; and WHEREAS, membership in the Alliance entitles members to benefits as described in the Alliance Request for Membership Package provided to the Board; and WHEREAS, the membership dues is \$ 1,000.00, which can be reduced by 50% for 2015-2016 Founding Members to \$ 500.00 and is minimal, and is payment mat be deferred until mid-2016;

JUNE 8, 2015 (CONTINUED)

THEREFORE BE IT RESOLVED, that the Village of Lakewood shall become a member of the Chautauqua Lake & Watershed Management Alliance and pay \$ 500.00 as its Membership Dues for 2015-2016.

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 7:41 PM.

Joseph M. Johnson
Village Clerk