

JANUARY 27, 2014

The twentieth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 27, 2014 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 Charles L. Smith. Absent was Trustee Gale A. Denn.

APPROVAL OF MINUTES

Motion by Trustee Jablonski, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held January 13, 2014.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Jablonski, that the claims as audited by the Auditing Committee of the abstracts dated January 27, 2014, be approved and that the Clerk shall execute said abstracts (#36 & #37) and direct payment by the Treasurer. Trust & Agency Fund: \$ 52,454.97, (Checks #2798 thru #2812) General Fund: \$ 33,296.56, (Checks #10360 thru #10390) Trustee Di Salvo had a question concerning the monthly Verizon Wireless invoice which appeared to nearly double since last month's bill. Village Treasurer Andrea J. Windoft indicated she spoke with a Verizon Wireless representative earlier in the day about the invoice and noted it indicates different prices for the same equipment upgrades. Mrs. Windoft said she and the Verizon Wireless representative will review the invoice for any incorrect charges and sort out any possible credits prior to the next billing period.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to eight hundred eighty incidents year-to-date. Chief Bentley said he would like to commend Officer Reed for recently capturing a burglar and for solving several area house burglaries.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to fifty-one alarms year-to-date and that the U.S. Coast Guard mass casualty exercise scheduled for Saturday, February 22, 2014 is on schedule. Fire Chief Hallberg said the various agencies are working together on the logistical questions that an exercise such as this presents.

Village Attorney Edward P. "Tad" Wright reported that he had talked to an official at Office of the State Comptroller regarding the possibility of the Village of Lakewood processing the Lakewood Memorial Library's employee payroll and it was determined that it was not lawful for the Village of Lakewood to do so.

COMMITTEE REPORTS

Mayor Wordelmann indicated that the zoning law review committee met last Monday evening with a focus on the subject of vacation or weekly rentals. Mayor Wordelmann

said he and members of the committee agree that the Village of Bemus Point has a set of rules and regulations pertaining to vacation/weekly rentals that could serve as a very nice archetype. Mayor Wordelmann said it is likely the Village of Lakewood would institute a process whereby property owners would be required to license or register their rental properties.

JANUARY 27, 2014 (CONTINUED)

The question becomes will this particular use be allowed throughout the village or would there be restrictions imposed. Mayor Wordelmann indicated right now the committee is considering carving out a historic district or zoning overlay within which vacation/weekly rentals would not be permitted. Mayor Wordelmann said the proposed historic district/zoning overlay would run roughly from Park Lane to Owana Way, north of West Summit Street, continuing east to Oakland Ave, north of East Terrace Ave.

Mayor Wordelmann said this is just a proposal and that nothing regarding this matter has been definitively decided.

Mrs. Jill Conley, 7 Winchester Road, thanked Mayor Wordelmann and members of the zoning law review committee for introducing the licensing proposal regarding future seasonal/weekly rentals and for considering a historic district, within which vacation/weekly rentals would not be allowed.

Trustee Drago indicated the proposed rules and regulations for vacation/weekly rentals are enforceable and if broken, would prohibit that particular property from being rented on a short term basis in the future. She added at least there will be something in place to fall back on in case there are any violations of the rules and regulations.

Mayor Wordelmann said the Village of Bemus Point's set of rules on weekly rentals is somewhat strict and serves as a nice model to fashion the Village of Lakewood's rules and regulations after. Mayor Wordelmann went on to say it would be two strikes and you are out. An initial violation would necessitate a warning to the property owner. A second violation at the same rental property would require continued use of the property as a vacation/weekly to cease.

Ms. Linda Swanson, 2 Vista Way, asked Mayor Wordelmann what will happen to those who are now operating vacation/weekly rentals within the proposed historic district.

Mayor Wordelmann said if this historic district proposal is adopted as part of the vacation/weekly rental rules and regulations then those now operating vacation/weekly rental businesses within this district would have to discontinue doing so.

Ms. Nancy Bargar asked Mayor Wordelmann to clarify whether or not the former Green Farm property at 3 West Terrace Ave., would fall within the proposal historic district.

Mayor Wordelmann said because 3 West Terrace Ave., is located within the B-1, Retail Business District, its use as vacation/weekly rental is allowed.

Ms. Bargar said she is severely affected by the use of 3 West Terrace Ave. as a vacation rental and at times when occupied it is like living next to an ongoing frat party. Ms. Bargar said it would only make sense to include 3 West Terrace Ave. in the so called historic district, as it relates to its use as a vacation/weekly rental or not. Ms. Bargar said if the Village of Lakewood doesn't think 3 West Terrace Ave. qualifies for inclusion into the historic district then she would have

to challenge that decision with some evidence.

Mr. Peter Conley, 7 Winchester Road, agreed with Ms. Bargar saying the vacation rental property located at 3 West Terrace Ave., has a negative impact on nearby residential properties as well as those trying to enjoy the village park across the street.

Village Attorney Wright indicated because 3 West Terrace Ave. is located in a B-1, Retail Business District, it would be hard to close the door on a use permitted in that particular district versus the area that was previous described as a possible historic zone which is zoned residential, where the argument could be made that vacation/weekly rentals would not be allowed within residential districts.

JANUARY 27, 2014 (CONTINUED)

Ms. Bargar said it is her understanding that a reason the property at 3 West Terrace Ave. hasn't sold is because of a deed restriction forbidding the sale of alcoholic beverages on the premises, but it is alright for vacationers to enjoy their beer and barbecues on one of the most prominently visible properties in the Village of Lakewood.

Village Attorney Wright said he doesn't disagree, but wanted to mention the zoning distinction and why this distinction might be drawn.

Mrs. Jill Conley said she thinks the Village of Lakewood is changing, with talk of forming a chamber of commerce, the merging of services between the town and village and making streets more pedestrian friendly. She asked do we want vacation/weekly rental properties prevalent throughout the Village of Lakewood. Mrs. Conley said now is the time to make the appropriate changes in order to maintain our beautiful community. She then asked Mayor Wordelmann what is the next step in the process.

Mayor Wordelmann indicated that in addition to reviewing a couple more proposed amendments to the zoning law namely site plan review and erosion and sediment control plus the overall review of the existing zoning law, public hearings will have to be conducted before any final decisions can be made.

Trustee Di Salvo asked if the proposed historic district, pertaining to vacation/weekly rental properties, would be an overlay district or a stand-alone zoning district. Trustee Di Salvo directed his next comment to Mr. Wright, asking him if there has been any discussion about the possibility of setting a "sunset clause" regarding the establishment of the proposed historic district.

Mr. Wright said he and the zoning law review committee did not discuss setting a "sunset clause" however we did discuss the possibility of revisiting the subject if any problems surfaced, as what would be done with any other local law.

Mr. John Shedd, 7 Walnut Street, indicated that at the last meeting of the Board of Trustees there was some discussion about the development of a comprehensive plan, adding shouldn't the process of amending the zoning law dovetail with the development of a new comprehensive plan.

Mayor Wordelmann said some zoning amendments as already reviewed and proposed need to be acted upon long before a comprehensive plan can be put together.

Mr. David Menzies, 68 East Terrace Ave., asked Mayor Wordelmann if it is indeed illegal to conduct short term rentals of properties located within residential

districts it appears it becomes an enforcement issue. If short term rentals are not being enforced now and if the proposed new rules and regulations on vacation/weekly rentals are adopted is it going to require additional resources regarding enforcement.

Mayor Wordelmann indicated to Mr. Menzies that vacation/weekly rentals throughout the Village of Lakewood have been going on for some time now and it is likely there are more of them than residents realize. Because there are a number of vacation/weekly rentals, to outlaw them completely wouldn't be prudent, however a set of rules and regulations monitoring this particular use must be considered.

Mayor Wordelmann said he recently spoke to a woman who lives out of town but would like to retire here. Rather than sell the family's former home at 108 West Summit Street, she rents it out as an income source to pay the property taxes until such a time she can relocate here permanently. Mayor Wordelmann said she has been renting her house out for about fifteen years without any major problems and in doing so has kept it in the family.

Mayor Wordelmann said he and the Board of Trustees represent all the residents of the Village of Lakewood not just those for or against the proposal to establish a set of rules and regulations relating to vacation/weekly rental properties.

JANUARY 27, 2014 (CONTINUED)

Mayor Wordelmann said as far as enforcement, if and when the rules and regulations are adopted, those conducting vacation/weekly rentals without first registering their property, will be cited. He added the main reason for registering a rental property will be to provide local contact information for law enforcement.

Trustee Di Salvo wished to return to the comment Mr. Shedd made about the Village of Lakewood developing a comprehensive plan as it relates to proposed amendments to the local zoning law. Trustee Di Salvo agrees with Mayor Wordelmann regarding his desire to "clean up" the zoning moratoria issues however the complete re-write of the zoning law should wait until the Board of Trustees conducts a series of visioning sessions in order to gather public input.

Mayor Wordelmann said maybe some amendments to the zoning law can wait until certain revisions can be looked at more closely.

Building Inspector Charles L. Smith suggested this matter needs to go forward and would hate to see it delayed for another calendar year. Mr. Smith said there are fee schedules, landscaping issues, plus site plan review and storm water management concerns that need to be addressed now. If they need to be amended a year from now, fine.

Trustee Di Salvo said he has no problem with making amendments to certain sections of the zoning law now as suggested by Mr. Smith, however traditionally a municipality would gather input, start with a plan and then develop the tools to implement the plan. Trustee Di Salvo indicated that he and Trustee Jablonski believe some initial visioning sessions could be conducted as early as this spring and to begin looking at things such as strategic planning, scope of services, cost estimates and range of plans. Trustee Di Salvo said he and Trustee Jablonski suggest a five year strategic plan, such as the one the Village of Bemus Point has, which is much more tangible than a longer range plan. Most importantly the process will afford residents the opportunity to share their input and ideas.

Ms. Lisa Schmidfrerick-Miller, Healthy Communities Consultant, with the Chautauqua County Department of Health wished to update the Board of Trustees on some of the

work under the NYS DOT Complete Streets Program that is taking place throughout Chautauqua County. Locations of some of the projects she is involved with include the City of Dunkirk, Village of Silver Creek, Village of Fredonia and the Town of Hanover. Ms. Schmidtfrerick-Miller indicated that Chautauqua County was recently awarded nearly 1.5 million via the Transportation Enhancements funding program. Six hundred twenty-five thousand dollars of it will go towards a paved trail in Mayville and other money from the program will fund the construction of a separated pathway from McCrea Point Park in Jamestown to the Lucille Ball Park in Celoron. A new round of funding should be out by year's end, so it is never too early to think about some possible projects that would qualify. Ms. Schmidtfrerick-Miller then reviewed a conceptual plan to develop a bike/walking path along Chautauqua County Highway #110, (East Summit Street), which could eventually extend into the Village of Celoron.

Trustee Di Salvo indicated when the funding was awarded for the Jamestown to Celoron pathway Chautauqua County Highway Director Mr. George Spanos noted that future funding requests for a similar pathway between Celoron and Lakewood would be greatly improved.

Dr. Rudolph Mueller, 7 Sunset Ave., indicated that at the last Town of Busti Board meeting two resolutions dealing with the sale of their office building at 121 Chautauqua Ave., and purchasing the building next door at 125-127 Chautauqua Ave. were tabled. The proposed sale price of the town office equaled the purchase price of 125-127 Chautauqua Ave. at \$ 300,000.00 and that town officials estimate that their new building would need about \$ 100,000.00 in upgrades. Dr. Mueller said he is grateful to Mayor Wordelmann and the Board of Trustees in offering the Town of Busti the opportunity to move its offices into the Anthony C. Caprino Municipal Building, where he believes there is ample space.

JANUARY 27, 2014 (CONTINUED)

Dr. Mueller indicated he took the liberty to talk with Mr. Paul Hedin, an architect with Clark & Patterson Architects, Jamestown, N.Y. and asked if he would prepare a couple of cost estimates to build on and/or remodel the current Anthony C. Caprino Municipal Building to accommodate the Town of Busti offices and a handicapped accessible Town Court room. The Village of Lakewood could then at least present to the Town of Busti a counterproposal for their elected officials to review and consider. Dr. Mueller stressed the point that the Town of Busti should consider other options before they go ahead and purchase 125-127 Chautauqua Ave.

Dr. Mueller went on to say that most people would agree that having a credit union/bank at 121 Chautauqua Ave. versus the Town of Busti offices would bring more traffic to Chautauqua Ave. and ultimately would add a taxable property to the tax roll. A major twofold problem with the proposal by the Town of Busti to purchase 125-127 Chautauqua Ave. is it would remove a large taxable piece of property from the tax roll as well as reduce the potential for additional commercial growth along the Chautauqua Ave. corridor. Dr. Mueller said the two governments could function more efficiently and effectively out of a single building. Dr. Mueller said Governor Andrew M. Cuomo has called for municipalities to consolidate where possible and in speaking with New York State Senator Catherine M. Young's office there are monies available via Consolidated Funding Applications (CFA) to support those efforts. Dr. Mueller encouraged both municipal boards to work together and for them to consider conducting a joint public informational meeting to discuss and answer questions concerning this very important subject. Dr. Mueller said the sale and purchase would have been a done deal if residents weren't in attendance to

question the matter.

Mayor Wordelmann told Dr. Mueller he wouldn't get any argument from him on some of his thoughts other than Governor Cuomo's position on consolidation which wants state taxpayers to believe that their problems begin with village and township governments when in reality statewide problems originate in Albany. Village governments are not the reason for high taxes, in that for every penny raised by the Village of Lakewood via taxes residents receive a service of some kind. Mayor Wordelmann said it is really quite simple, if residents want lower village taxes they would have to agree to give up a service. Of the \$ 37.95/\$1,000.00 assessed value paid in taxes, only \$ 7.53 is payable to the Village of Lakewood. Merging the Village of Lakewood with the Town of Busti doesn't get rid of the fact that residents would still need a police department, fire department, garbage collection, street lighting, etc.

Mayor Wordelmann commended Dr. Mueller for his efforts and for getting involved. We are all in favor in having the Town of Busti moving into the village hall. One of the major obstacles in merging the offices is loss of identity. Mayor Wordelmann stressed we need to work together and be able to compromise our individual positions for the overall benefit of everyone.

Building Inspector Charles L. Smith indicated to Mayor Wordelmann and members of the Board of Trustees he has researched the question of having the Town of Busti offices and court relocate into the Anthony C. Caprino Municipal Building. In crunching the size and cost numbers together, while keeping in mind some current maintenance issues with the Anthony C. Caprino Building, converting it into combined office space for village and town offices and a handicapped accessible court facility would be very expensive. It is his opinion that if the Town of Busti decides to purchase and remodel the building at 125-127 Chautauqua Ave., as its offices and court facility, it would be the more cost effective option of the two.

Ms. Sharon Lisciandro, 140 Winch Road, asked how many offices are required by the township.

Ms. Nancy Bargar, 11 West Terrace Ave., suggested any maintenance issues with this building should be looked at regardless. With all due respect, Mr. Smith isn't an architect and therefore other options should be considered. Ms. Bargar said she has a concern that at times some issues are discussed and reports made during the "work session" which are not part of the public record. For those residents not in attendance this evening wishing to know what is going on should be able to get up to speed by reading the board meeting's minutes. Unfortunately some important issues are discussed during the work session

JANUARY 27, 2014 (CONTINUED)

She respectfully encouraged Mayor Wordelmann and members of the Board of Trustees to reserve their comments until the actual board meeting so they may be part of the public record.

Mayor Wordelmann indicated to Ms. Bargar that the work sessions held prior to the board meeting are considered "open" meetings at which the public is welcome. He said policy decisions are not made during the work sessions however some things are discussed as a way to bring members of the board up to speed on a particular subject.

Ms. Bargar suggested that certain committees should be appointed and they in turn can report their findings on any one of a variety of subjects during the regular meeting.

Mayor Wordelmann thanked Ms. Bargar for her suggestions.

Mr. Joseph M. Troche, 19 Winchester Road, agreed that both municipal offices should be located in the same building, noting either building is going to need upgrades over time.

Mayor Wordelmann said the Board of Trustees isn't in a position to make a decision on this matter rather it is up to Town of Busti Supervisor Jesse Robbins and the Town Board to weigh their options before making a definitive decision.

RESOLUTION #117-2014-2015 - ACCEPT VILLAGE HISTORIAN'S RESIGNATION

Motion by Trustee Drago, seconded by Trustee Di Salvo, for the Board of Trustees to regretfully accept the resignation of Village of Lakewood Historian Anthony G. Barone, effective as of January 1, 2014. Mr. Barone, who has served as Historian since January 1, 2009, worked diligently with members of the history committee on projects which included expansion of the museum, historic markers, Lakewood High School Alumni Hall, history nights, memorials, fund raising efforts, Village of Lakewood seal contest, Packard monument and the World War II Honor Roll replica. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #118-2014-2015 - APPOINT NEW VILLAGE HISTORIAN

Motion by Trustee Drago, seconded by Trustee Jablonski, to confirm Mayor Wordelmann's appointment of Ms. Susan G. Lane, 188 East Terrace Ave., as the Village of Lakewood Historian, replacing Mr. Anthony G. Barone. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #119-2014-2015 - APPROVE HIGHWAY SERVICES AGREEMENT

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor Wordelmann, to approve the Highway Services Agreement between the Village of Lakewood and Chautauqua County and to authorize Mayor Wordelmann to execute same. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #120-2014-2015 - AMEND PERSONNEL POLICES & PROCEDURE HANDBOOK

Motion by Trustee Jablonski, seconded by Trustee Drago, per the recommendation of Mayor Wordelmann, to amend Section #7, page #8 of the Personnel Policies & Procedure Handbook, which details benefits received by the Police Chief. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

JANUARY 27, 2014 (CONTINUED)

REPORTS (CONTINUED)

Mayor Wordelmann asked Police Chief Bentley if he would briefly explain the status of the federal grant application through the Department of Homeland Security regarding the possibility of establishing a K-9 unit within the Lakewood-Busti Police Department and to talk about his desire to request bids for two (2) new marked police patrol cars and a new marked sport utility vehicle for use by the K-9 unit.

Police Chief Bentley reported that the \$ 59,800.00 grant is being processed at the State Department and that the contract document is expected to be delivered within

a week or two. Chief Bentley indicated part of the grant provides for the purchase of a sport utility vehicle for use by the K-9 unit. Chief Bentley said he would like to request bids for the sport utility vehicle in preparation of going forward with the grant.

Trustee Jablonski asked Chief Bentley to briefly explain the grant for those in attendance who might not know how a grant process such as this works and why the Village of Lakewood is eligible for this funding.

Chief Bentley said about six months ago he applied for the grant to organize a K-9 patrol unit within the Lakewood-Busti Police Department which was subsequently approved. The grant money when received would pay for the dog, dog and handler training, miscellaneous equipment, the sport utility vehicle and salaries when it is necessary to fill the dog handler's regular shift. Dog number one would be a bomb sniffing, search and tracking dog. If a second dog is brought on board it would be a narcotics dog. Chief Bentley said this particular grant would include an annual stipend of \$ 20,000.00. Chief Bentley said it is a big commitment for the officer taking on the added roll of K-9 officer.

Mr. Peter Conley, 7 Winchester Road, asked why would that kind of money be spent on a bomb dog when according to Chief Bentley the bigger problem locally is drugs.

Chief Bentley indicated a bomb/tracking dog can't be cross trained to be a drug dog.

Dr. Mueller asked if three other local police agencies already have dogs wouldn't it make more sense if one of those agencies add another dog if one is truly needed.

Ms. Susan Lane, 188 East Terrace Ave. asked if another officer will be trained as a back-up handler and if breeds other than German shepherds will be considered for the proposed K-9 unit.

Chief Bentley said another individual will not be trained as a back-up handler and that German shepherds are the only breed of dog trained for local K-9 units at the present time.

Mayor Wordelmann indicated before a K-9 unit can be established within the Lakewood-Busti Police Department, it would require approval by the Board of Trustees.

Mayor Wordelmann said in getting back to the resolution at hand, asked Chief Bentley about his desire to request bids for three vehicles.

Chief Bentley said he plans on continuing the same yearly rotation of vehicles by taking two older patrol cars out of service and purchasing two new patrol cars. The bid request for the sport utility vehicle is just in case the Lakewood-Busti Police Department moves forward with the formation of a K-9 unit.

Trustee Jablonski asked Chief Bentley if the specifications are prepared to allow multiple car manufacturers to submit bids and has the Lakewood-Busti Police Department ever used county or state bids for purchasing new police patrol cars.

Chief Bentley said the specifications are such that different manufacturers can meet them and that although at times we've utilized the county or state bid we've been pretty lucky in finding a local dealership that is able to provide vehicles that meet the specifications.

JANUARY 27, 2014 (CONTINUED)

Mayor Wordelmann reminded Chief Bentley and the Board of Trustees, authorizing a request for bids doesn't necessarily mean we are approving the purchase of the vehicles.

RESOLUTION #121-2014-2015 - AUTHORIZE REQUEST FOR BIDS

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Police Chief John R. Bentley to request sealed bids for two (2) 2014 marked police patrol cars and one (1) 2014 sport utility vehicle (SUV), for use by the K-9 unit if formed. Bids shall be received at the Office of the Village Clerk at or before 3:00 PM, (local time), Friday, February 14, 2014, at which time and place they will be publically opened and read aloud.

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

Trustee Jablonski suggested to Mayor Wordelmann that the Village of Lakewood should respond to

Governor Cuomo's proposed 2014-2015 budget by letting our State representatives know how we feel.

The budget as proposed ties our hands from a public service delivery standpoint and doesn't give local municipalities any mandate relief. Trustee Jablonski commended the New York State Conference of Mayors for taking a stand against Governor Cuomo's proposed budget. The Village of Lakewood should let Senator Catherine M. Young and Assemblyman Andrew W. Goodell know that we don't want gimmicks, but rather equitable State funding across the board.

Mayor Wordelmann said he wholeheartedly agrees with the comments made by Trustee Jablonski and that he will be sending a response to the New York State Conference of Mayors.

RECESS

Motion by Trustee Drago, seconded by Trustee Jablonski, to recess the regular meeting of the Board of Trustees at 8:01 PM, so as to enter into executive session to discuss a personnel matter.

EXECUTIVE SESSION

Present at the work session were Mayor Wordelmann, Trustee Susan F. Drago, Trustee David J. Di Salvo, Trustee John Jablonski, Village Attorney Edward P. "Tad" Wright, Police Chief John R. Bentley and Village Treasurer Andrea J. Windoft. Motion by Trustee Di Salvo, seconded by Trustee Jablonski to adjourn the executive session at 8:19 PM and to reopen the regular meeting.

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

Motion by Trustee Jablonski, seconded by Trustee Drago and unanimously carried the Board adjourned at 8:20 PM.

Joseph M. Johnson
Village Clerk

