

MARCH 10, 2014

The twenty-third 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 Gale A. Denn, 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.

OBSERVE A MOMENT OF SILENCE

Mayor Wordelmann asked those in attendance to observe a moment of silence in honor and memory of former Lakewood-Busti Police Officer C. Scott Terry who died unexpectedly on March 4, 2014. Officer Terry began his law enforcement career as a member of the Town of Busti Police Department on July 19, 1976. He worked for the Town of Busti Police Department until it merged with the Lakewood Police Department on January 1, 1983, forming the Lakewood-Busti Police Department. Officer Terry continued his law enforcement career as a patrolman and investigator with the Lakewood-Busti Police Department until his retirement on June 30, 2005. Mayor Wordelmann thanked Officer Terry posthumously for his years of faithful and dedicated service to the community and asked everyone to keep him and members of his family in their thoughts and prayers.

RESOLUTION #130-2013-2014 - DEDICATION OF TONIGHT'S BOARD MEETING

Motion by Trustee Denn, seconded by Trustee Drago, to dedicate this evening's Village Board of Trustees meeting to the memory of Lakewood-Busti Police Officer C. Scott Terry who died unexpectedly March 4, 2014.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

APPROVAL OF MINUTES

Motion by Trustee Denn, seconded by Trustee Di Salvo, to approve the minutes of the last regular meeting of the Board of Trustees, held February 24, 2014.
Adopted: 4 ayes, no nays (Denn, 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 March 10, 2014, be approved and that the Clerk shall execute said abstracts (#42 & #43) and direct payment by the Treasurer. Trust and Agency Fund: \$ 51,030.90 (Checks #2844 thru #2855) General Fund: \$ 50,948.32 (Checks #10461 thru #10498)
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated he drafted a set of rules and regulations pertaining to the monthly pick-up of brush and

yard waste and use of the dump site on Packard Ave. and distributed it to the Board of Trustees for their review and comment. Mr. Pilling indicated that the Department of Public Works weekly brush and yard waste pick-up will commence the first week in May.

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Mr. Pilling indicated to Mayor Wordelmann and the Board of Trustees if the rules and regulations meet their approval fliers explaining the weekly brush pick-up and dump site use will be mailed to all village residents.

Police Chief John R. Bentley submitted the Lakewood-Busti Police Department's annual report to Mayor Wordelmann and the Board of Trustees and went on to report that the Lakewood-Busti Police Department has responded to two thousand four hundred reportable incidents year-to-date. He also reported that two police sergeants were recently sent to a Management Leadership School which was sponsored by the State of New York. Chief Bentley indicated that three police officers recently attended an Active Shooter School which was sponsored by the Jamestown Police Department through the Department of Criminal Justice Services.

Chief Bentley indicated to Mayor Wordelmann and the Board of Trustees that he was informed late this afternoon that part-time Police Officer Emma A. Roosa has accepted a full-time position with the Jamestown Police Department and will therefore be resigning from the Lakewood-Busti Police Department effective March 17, 2014. Ms. Roosa has served the community as a part-time police officer for the Lakewood-Busti Police Department since July 8, 2013. Chief Bentley then asked Mayor Wordelmann and the Board of Trustees for permission to interview qualified candidates for the vacated position.

Trustee Di Salvo asked Chief Bentley roughly how many resignations and/or retirements has the Lakewood-Busti Police Department experienced this past year.

Chief Bentley's answer to Trustee Di Salvo's question was ten.

Chief Bentley indicated there is a tremendous amount of personnel turnover right now due in part to the number of those retiring from law enforcement.

Trustee Denn said looking ahead and taking into consideration the number of part-time officers lost to neighboring law enforcement agencies offering full time employment, would it be cost effective to expand the number of full time officers.

Chief Bentley said one would have to do a detailed cost analysis between part-time and full-time positions but it might be worth taking a look at it.

Trustee Di Salvo understands that the Lakewood-Busti Police Department serves as a training ground for part-time officers seeking full time employment however it becomes a costly proposition for the Village of Lakewood.

Chief Bentley indicated other area police agencies such as the Town of Ellicott and the Village of Westfield are facing the same situation.

Mayor Wordelmann asked Chief Bentley if he knew when the Lakewood-Busti Police Department expects to pick-up the dog for the new K-9 unit.

Chief Bentley indicated the dog will be picked up tomorrow, (Tuesday, March 11th), while training with its handler will begin next week.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to one hundred forty-seven alarms year-to-date.

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COMMITTEE REPORTS

Mayor Wordelmann indicated the zoning law review committee has met two times since the last Village Board meeting. At the last meeting Ms. Lisa Schmidfrerick-Miller, Healthy Communities Consultant from the Chautauqua County Department of Health briefly described the New York State Department of Transportation's Complete Streets Program to committee members. Mayor Wordelmann said there is a real possibility of incorporating the Complete Streets Program into the local zoning law. He said the committee also finalized all four (4) moratorium issues and reviewed in detail the issue regarding vacation/short term rentals in residential districts. It was decided to use the Village of Bemus Point's rules and regulations pertaining to vacation/short term rentals as a model and to consider a zoning district overlay within which vacation/short term rentals would be prohibited.

Mayor Wordelmann indicated a couple other subjects the committee touched on were site plan review and rules and regulations for sediment and erosion control. The proposed rules and regulations for sediment and erosion control were modeled after the Town of Ellery's local law #1-2014.

Mayor Wordelmann indicated during the last meeting of the zoning law review committee Articles I thru IV of the current zoning law were also reviewed, noting additions and deletions for consideration. The next meeting of the zoning law review committee meeting has been scheduled for 6:00 PM, Monday, March 31st. Mayor Wordelmann said he is hopeful the committee will be able to complete its review of the zoning law sometime in April which will allow public hearings to be scheduled.

Trustee Denn said because there will likely be fines associated with the enforcement of the vacation/short term rental rules and regulations, will the Village of Lakewood be required to adopt a separate local law and will it be necessary to correspond with Chautauqua County regarding collection of the bed tax.

Village Attorney Wright indicated Chautauqua County is responsible for collecting any and all bed taxes, however they might be interested in the number of properties that register to conduct vacation/short term rentals. The Village of Lakewood should be willing to share this particular information with the taxing authority. Mr. Wright indicated any bed tax questions will be between the property owner and the county and therefore poses no financial liability to the Village of Lakewood. Regarding Trustee Denn's first question concerning fines, Mr. Wright said it has been proposed by the committee to establish a set of fines as part of the zoning law that would apply to any and all violations relating to the local zoning law and would include enforcement of the rules and regulations pertaining to

vacation/short term rentals.

Trustee Jablonski said he appreciates the work done by the committee to develop a set of rules and regulations pertaining to vacation/short term rentals however he is not in support of the idea of the district overlay which unfairly determines where a property owner may or may not conduct vacation/short term rentals. Trustee Jablonski believes this use should be allowed throughout the village or not at all. It becomes a social justice issue where someone decides this particular use is okay in some neighborhoods and not okay in others.

Mayor Wordelmann indicated the zoning district overlay is something that the committee has recommended, but whether or not it becomes part of the zoning law or not will depend on what comments are made and heard at the public hearings and ultimately how members of the Board of Trustees will vote on this issue. Mayor Wordelmann said the idea of a zoning overlay will therefore be presented as proposed by the committee.

Trustee Denn indicated that management of household garbage generated at a vacation/short term rental could pose concern in that garbage isn't picked-up until Thursday.

Mayor Wordelmann indicated that the garbage question in connection with vacation/short term rentals is addressed on the permit application for that particular use.

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Mrs. Jill Conley, 7 Winchester Road, asked Mayor Wordelmann if the Village of Lakewood is going to be restructuring the local zoning law. Mrs. Conley reminded Mayor Wordelman that her neighborhood is currently zoned residential and that a neighbor is breaking the zoning law by conducting a vacation/short term rental business. She then asked for an explanation as to what the term licensing means.

Mayor Wordelmann indicated to Mrs. Conley that the zoning of her neighborhood will not change. The term licensing refers to the process by which home owners will be required to register their properties with the Village of Lakewood if they wish to rent their homes short term. By doing so the property owners agree to abide by the rules and regulations as proposed by the Village of Lakewood for vacation/short term rental properties, which happen to be modeled after the Village of Bemus Point's.

Village Attorney Wright indicated although there are no plans to amend the zoning district boundaries, there has been some discussion by the committee about creating a historic district overlay that will cover a portion of the Village of Lakewood within which vacation/short term rentals will be prohibited.

Mrs. Linda Swanson, 2 Vista Way, asked Mayor Wordelmann when will public hearings on this issue be conducted.

Mayor Wordelmann indicated to Mrs. Swanson, once the review of the zoning law is completed, public hearings on the issue of vacation/short term rentals and the other zoning law amendments being proposed will be scheduled. Mayor Wordelmann said he is hopeful to have everything wrapped-up by May.

Trustee Di Salvo indicated that he and Mayor Wordelmann recently met with Mr. Don McCord of Small Town Planning Services, Westfield, N.Y., to discuss moving ahead with plans to develop a strategic plan for the Village of Lakewood, which could be financed over a couple budget years. Trustee Di Salvo indicated that he and Trustee Jablonski have looked at two different models. Trustee Di Salvo said he personally likes the plan the Village of Bemus Point implemented which immediately yielded \$ 300,000.00 in funding for street scape improvements. The plan isn't long range and can be revised on an annual basis as things change.

Mayor Wordelmann said he hasn't been a proponent of spending money to conduct studies or formulate strategic/comprehensive plans but has been slowly convinced by Trustee Di Salvo and Trustee Jablonski that it is something the Village of Lakewood should consider in moving forward. Mayor Wordelmann said in preparing the tentative budget for the upcoming fiscal year he intends to include funding for this project.

Trustee Di Salvo also wished to report that he, Building Inspector Charles L. Smith and Village Clerk Johnson, met with Ms. Eileen Powers, Director of Rehab Services with Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC) to discuss making a program available to Village of Lakewood homeowners which could assist them in undertaking some exterior repairs to their residences. It would involve applying for Community Development Block Grant (CDBG) funds through the New York State Office of Community Renewal. The funding is geared towards those homeowners who financially may not be able to make certain exterior repairs to their residence so as to comply with local building codes.

Trustee Di Salvo said the first step in the process will be made by officials from CHRIC who will complete an inspection report on a random sampling of 10% of the exterior conditions of owner occupied residential properties within the village. In order to receive this funding the Village of Lakewood will be required to adopt a fair housing plan. The Village of Lakewood would also need to appoint an individual, such as the Village Clerk, as its fair housing officer.

Trustee Di Salvo indicated CHRIC is ready to start advertising this program to Village of Lakewood homeowners and that Building Inspector Smith is in the process of compiling a list of properties that with the owner's cooperation could qualify for this assistance. Trustee Di Salvo said it is a great program for the Village of Lakewood and he is pleased to be working together with CHRIC.

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Mr. Peter Conley, 7 Winchester Road, asked will the Village of Lakewood reach out to prospective participants or will individual homeowners need to apply for the program.

Building Inspector Smith indicated qualifying homeowners will be required to apply for the assistance, but they will be notified of the program by the Village of Lakewood.

Trustee Denn suggested that the Village of Lakewood will need to conduct a public hearing to make sure homeowners are aware of this program. If his memory serves him correct anytime community development dollars are involved, a public hearing is required to properly inform the public of such an assistance program.

Village Attorney Wright indicated that it is his understanding CHRIC would properly advertise this program via the local newspaper.

Building Inspector Smith indicated if the Village of Lakewood is considering a community wide mailing explaining the weekly brush and yard waste pick-up program, it would smart to include a flier on the home rehabilitation program through CHRIC.

Trustee Di Salvo asked Mayor Wordelmann if he would be willing to discuss the possibility of having a separate open meeting of the Board of Trustees to discuss the budget process. He suggested that such a meeting could be broken-up into two segments to discuss and review departmental budgets as a means to get budget information out to the general public before the public hearing on the subject is conducted.

Mayor Wordelmann said he is required to present the tentative budget to the Village Clerk on or before March 20th for distribution to members of the Board of Trustees. Instead of scheduling and advertising for any additional public meetings he would welcome discussion on the tentative budget during the work sessions prior to the Board of Trustee meetings scheduled for March 24th and April 14th.

Trustee Di Salvo indicated he has some concerns relative to Governor Cuomo's budget proposals and believes it is important that residents know what municipal boards across the state are up against and that New York State isn't providing any mandate relief.

Ms. Cara Birrittieri, 15 Sunset Ave., asked Mayor Wordelmann how will the general public know about the proposed budget discussions to be held during the next two work sessions. A lot of residents, at times, aren't aware of what items might be on the Board of Trustees meeting agenda.

Mayor Wordelmann indicated to Ms. Birrittieri that the Board of Trustees, in addition to the budget discussions during the next two work sessions, will also be conducting a public hearing on the budget prior to its adoption, which is announced and advertised.

ANYONE TO BE HEARD

Ms. Cara Birrittieri, 15 Sunset Ave., said regarding the proposed historic district map overlay as it relates to where within the Village of Lakewood vacation/short term rentals would or wouldn't be permitted, she agrees with Trustee Jablonski's position. She said it seems unfair to allow home owners in one neighborhood to rent out their homes when home owners across the street would be prohibited from doing so. If indeed a vacation/short term rental licensing or registration plan is adopted it seems there would be rules in place regulating this type of use and consequences for the homeowner if the rules are broken.

Mayor Wordelmann indicated to Ms. Birrittieri that the Village of Bemus Point also prohibits vacation/short term rentals within certain sections of the village.

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Mayor Wordelmann said he and members of the zoning law review committee looked at both sides of this question and determined to initially present the zoning district map overlay as part of the rules and regulations for vacation/short term rentals. Mayor Wordelmann said rather than open up the entire village to vacation/short term rentals and at a point of no return, it was suggested to introduce the zoning district map overlay and see how it was received by members of the community. He reminded everyone the idea of the zoning district map overlay is just a proposal and individuals will be given an opportunity to be heard one way or another at upcoming public hearings.

Village Attorney Wright said it is important for residents not just to look at one or two isolated properties but to look at the whole spectrum when it comes to vacation/short term rentals. The thought of how committee members wanted the village to look in twenty years drove them to the idea of an historic district within which vacation/short term rentals would be prohibited.

RESOLUTION #131-2013-2014 - AUTHORIZE FUND TRANSFERS

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 6,000.00 from Trust & Agency account #1093.37 and \$ 1,000.00 from Trust & Agency account #1093.30 into account #A3120.40 (Police-Contractual) regarding the purchase of a dog for the new K-9 unit. NOTE: These items will be vouchered to the K-9 Grant in the new fiscal year.

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

RESOLUTION #132-2013-2014 - SET 4TH OF JULY & SUMMERFEST ACTIVITIES

Motion by Trustee Drago, seconded by Trustee Di Salvo, to set the 2014 4th of July/Summerfest activities for Friday, July 4, 2014 and to authorize Mayor Wordelmann to execute a contract/agreement between the Village of Lakewood and Zambelli Fireworks Mfg. Company, New Castle, PA, regarding the proposed fireworks display scheduled for 10:00 PM. Cost of the fireworks will total \$ 10,000.00. The 4th of July/Summerfest activities will include the Firecracker 10-K and 2 mile road races conducted by the Lakewood Family YMCA, street sale, live entertainment (Smokehouse) at Richard O. Hartley Park and concluding with the giant fireworks display.

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

RESOLUTION #133-2013-2014 - APPROVE STANDARD WORKDAY & REPORTING RESOLUTION

Motion by Trustee Drago, seconded by Trustee Jablonski, to approve and submit a Standard Workday & Reporting Resolution to the New York State Retirement System for the following paid elected and appointed Village of Lakewood officials who are members of the New York State Retirement System. Elected Officials: Trustee Susan F. Drago and Trustee John Jablonski III Appointed Officials: Fire Chief Kurt W. Hallberg, Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Deputy Village Clerk Mary B. Currie and Code Enforcement Officer Charles L. Smith.

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

Motion by Trustee Denn, seconded by Trustee Di Salvo and unanimously carried
the Board adjourned at
7:18 PM.

Joseph M. Johnson
Village Clerk