

MAY 27, 2014

The fourth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Tuesday, May 27, 2014, 7:00 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, Deputy Village Treasurer Mary B. Currie, Village Attorney Edward P. Wright, Department of Public Works Supervisor Thomas R. Pilling, and Building Inspector Charles L. Smith. Absent were Trustee Gale A. Denn, Police Chief John R. Bentley and Fire Chief Kurt W. Hallberg.

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 May 12, 2014.

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 May 27, 2014 be approved and that the Clerk shall execute said abstracts (#53, #54 & #55) and direct payment by the Treasurer. General Fund: \$ 31,994.35 (Checks #10676 thru #10675) Trust & Agency Fund: \$ 54,343.30 (Checks #2942 thru #2958) Trust & Agency Fund: \$ 50,706.86 (Checks #2922 thru #2941) NOTE: Checks #2930 thru #2937 were voided due to a program error.

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that last week's rain storm caused some minor flooding to occur at the Community Park's boat ramp which was mainly due to the increased level of the lake. Also, a large maple tree also fell across West Summit Street last Wednesday morning, bringing down electric lines causing a widespread power outage for a few hours. Mr. Pilling said the tree was cleaned-up by the D.P.W. crew and power was restored around 3:30 PM.

Mayor Wordelmann indicated it is time to commend Mr. Pilling and the D.P.W. crew for the work they've done the past couple of years in improving the Village of Lakewood's storm water management system. The heavy rain last week definitely put the storm water management system to the test.

Building Inspector Charles L. Smith indicated that due in most part to the widespread power outage last Wednesday, the Lakewood Fire Department responded to about fifty service calls for flooded basements.

D.P.W. Supervisor Pilling also reported the rose bushes and shrubs in the parks that succumbed to the cold weather over the winter will be replaced and that a contractor is in the process of chipping the material disposed of at the Hoag Road location in accordance with the New York State Department of Environmental Conservation regulations. Mr. Pilling also indicated a permit has been issued by the New York State Department of Environmental

Conversation thereby approving a stormwater improvement and shoreline enhancement project within the New York Ave. right-of-way adjacent to the Chautauqua Lake Yacht Club. Also, allowing for the public comment timeframe to expire, work on the newly proposed baseball field off Linwood Ave. is expected to begin sometime this summer. In conclusion, Mr. Pilling reported he and Trustee Jablonski attended a stormwater management seminar and demonstration day in Little Valley, New York, last Thursday.

Mayor Wordelmann indicated to D.P.W. Supervisor Pilling someone approached him recently asking if the "wood carpet" at the Richard O. Hartley Park playground is going to be improved this year.

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Mr. Pilling indicated he intends to till the "wood carpet" to get rid of the grass and to add wood chips where needed.

Trustee Drago indicated she would like to engage in more discussion regarding the Village of Lakewood's brush pick-up program.

Mayor Wordelmann and members of the Board of Trustees tossed some ideas around as to how to get residents to adhere to the brush pick-up rules and regulations and contemplated discontinuing this service if residents fail to comply.

Mayor Wordelmann asked Trustee Drago if she would care to draft a local law as an enforcement tool for those residents who fail to comply with the brush pick-up rules and regulations.

Trustee Di Salvo asked Village Attorney Wright if he is in receipt of a contract for services to clean the Anthony C. Caprino Municipal Building and the fire station and if not shouldn't the Village of Lakewood have a current contract on file authorizing payments to the contractor.

Village Attorney Wright said he recalls some discussion regarding a cleaning contract at a previous work session adding if there is a contract it must be brought before the Board of Trustees for approval.

Mayor Wordelmann said he has copies of two separate cleaning contracts from Southwestern General Maintenance, Lakewood, N.Y. dated September 1, 1995, which have been ongoing contracts since then.

Trustee Di Salvo indicated he would like to discuss in detail the scope of the cleaning service once the Town Court moves out and the frequency of the cleaning sessions required.

Mayor Wordelmann indicated to Trustee Di Salvo that he would be happy to provide him with copies of the separate contracts Southwestern General Maintenance has with the Village of Lakewood.

Building Inspector Charles L. Smith reported that he expects Mr. William McFadden to move forward with the construction of the proposed quick lube and car wash soon and that he should receive the construction plans for the new Panera Bread restaurant later this week. Mr. Smith also reported he drafted an updated local law, as suggested by New York State building code officials regarding the administration and enforcement of the New York State Uniform Fire Prevention & Building Code which includes a revised fee schedule, based on fees that the Town of Ellicott currently charges. The updated local law

replaces the one the Village of Lakewood adopted back in 2003.

Trustee Di Salvo indicted a municipality has the right to adopt a more stringent code if they so desire and asked Mr. Smith if he thinks the existing New York State Code is sufficient.

Mr. Smith said it is his opinion that the current New York State Code is stringent enough.

RECESS

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

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

MAY 27, 2014 (CONTINUED)

PUBLIC HEARING - 7:15 PM
SPECIAL USE PERMIT - FENCE
19 LOWE AVE.

Mr. Antonino C. Calimeri, 19 Lowe Ave. has submitted an application for a Special Use Permit regarding his proposal to erect approximately 160 lineal feet of 6 ft. high fencing as a rear yard enclosure for his dogs, a portion of which, will act as a buffer between the adjacent commercial district and his residential property. In accordance with Section #25-51, (A-2), [Fences], of the Village of Lakewood Zoning Law, any fence above four (4) feet in height shall require a Special Use Permit.

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

Mayor Wordelmann asked if anyone would like to speak in favor or against Mr. Calimeri's fence proposal.

Ms. Samantha Wozneak, fiancée of Mr. Calimeri, indicated their dogs are jumpers and would prefer to enclose the back yard rather than have them tied-up. Ms. Wozneak said the dogs have already jumped 4 ft. fences and is concerned for their safety being so close to West Fairmount Ave. (Rt. 394).

Trustee Jablonski asked Ms. Wozneak what type of fence is being proposed.

Ms. Wozneak indicated it is likely going to be a wooden stockade fence, with the finished side facing outward.

Mayor Wordelmann indicated typically the Board of Trustees has been opposed to 6 ft. fences however this is a unique situation because a portion of the fence forms a buffer between the adjacent commercial district the residential district.

Trustee Drago indicated she has looked at the property and because it sits adjacent to the commercial district and the need to keep the dogs safe, she would be in favor of approving Mr. Calimeri's application.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 7:25 PM and reopened the regular meeting of the Board of Trustees.

RESOLUTION #23-2014-2015 - APPROVE SPECIAL USE PERMIT (FENCE) APPLICATION

Motion by Trustee Drago, seconded by Trustee Jablonski, to grant/approve the Special Use Permit application as submitted by Mr. Antonino C. Calimeri, 19 Lowe Ave., whereby he will be allowed to erect approximately 160 lineal feet of 6 ft. high privacy fence as a back yard enclosure for his dogs in accordance with Section #25-51, [Fences] of the Village of Lakewood Zoning Law.

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

REPORTS (CONTINUED)

Trustee Jablonski asked Building Inspector Smith about the change in railing height requirements and how it may impact the Village of Lakewood.

Mr. Smith said the change in railing height requirements, from 36 inches to 42 inches, via the national code was prompted by the number of falls occurring over 36 inch railings. Mr. Smith said any remodels or new construction would have to comply with the new railing height requirements.

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Trustee Di Salvo had one last question for Building Inspector Smith regarding fire inspections and how often they are conducted, with particular emphasis on multiple dwellings.

Mr. Smith indicated to Trustee Di Salvo that certain commercial buildings are inspected annually while multiple dwellings with three or more units are inspected every three years, adding they are up for inspection this year.

Mayor Wordelmann indicated some communities across New York State are employing members of local volunteer fire departments to conduct fire inspections on a part time basis.

Building Inspector Smith said fire department members who have completed the initial three hours of training are qualified to conduct fire inspections.

COMMITTEE REPORTS

Mayor Wordelmann reported that the zoning law review committee will be meeting Monday, June 2nd to review the final draft of the revised and amended local zoning law. It will be presented to the Board of Trustees for their review and comment. Mayor Wordelmann said he would favor conducting a public hearing on the amended zoning law Monday, June 23rd.

Trustee Di Salvo reported that the Rail-Trail Committee has submitted a draft application to the New York State Department of Transportation for their review and consideration.

ANYONE TO BE HEARD

Mr. Gale Seekings, 12 Olive Ave., appeared before Mayor Wordelmann and the Board of Trustees to express his concerns regarding the deplorable condition of the property at 8 Olive Ave. and the fact that his neighbor at 16 Olive Ave. displays unusable items on the corner of Olive Ave. and East Summit Street that are either for sale or free. This practice needs to be stopped.

Mayor Wordelmann thanked Mr. Seekings for attending this evening's meeting and promised him that both concerns of his will be looked into.

RESOLUTION #24-2014-2015 - ISSUE NEGATIVE DECLARATION AS LEAD AGENCY

Motion by Trustee Drago, seconded by Trustee Di Salvo, having heard back from the Chautauqua County Department of Planning & Economic Development that Local Law #2-2014 [Short Term Rentals] will have no significant county-wide or inter-community impact and per the recommendation of Mayor David T. Wordelmann the Village of Lakewood, as Lead Agency, shall issue a Negative Declaration as it pertains to the State Environmental Quality Review Act, (SEQR) in connection with property owners conducting short term rentals within the Village of Lakewood, New York.

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

MAY 27, 2014 (CONTINUED)

RESOLUTION #25-2014-2015 - MANAGEMENT OF SUMMERFEST EXPENSES & REVENUES

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J, Windoft to oversee the revenues and expenses for the 2014 4th of July Festival/Summerfest to be held Friday, July 4, 2014. NOTE: All expenses shall be paid from the General Fund Account A-7550.40 and all revenues received shall be deposited into the Trust & Agency Account #T-1093.40. Invoices paid from donations will be processed as any other claim and will be subject to approval by the Auditing Committee.

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

RESOLUTION #26-2014-2015 - APPROVE LEGAL SERVICES AGREEMENT

Motion by Trustee Drago, seconded by Trustee Di Salvo, to approve an agreement with Wright, Wright, & Hampton, Attorneys At Law, Jamestown, N.Y., to provide legal services to the Village of Lakewood for the period of June

1, 2014 - May 31, 2015 at a cost of \$ 10,000.00.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #27-2014-2015 - APPROVE WEB HOSTING AGREEMENT

Motion by Trustee Drago, seconded by Trustee Di Salvo, to approve the web hosting agreement between the Village of Lakewood and Earth Spark, Jamestown, N.Y., to provide web site service for the period of June 1, 2014 - May 31, 2015 at an annual cost, (per quote) of \$ 750.00.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #28-2014-2015 - AUTHORIZE YEAR-END BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J, Windoft to make the necessary year-end budget transfers.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #29-2014-2015 - AUTHORIZE BUDGET TRANSFER

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 910.75 from Trust & Agency Account #T-1093.30, to Account A-3120.40 [Police Contractual], for the purchase of shooting range targets. NOTE: A grant received from the National Rifle Association (NRA) in February 2014 will fund this purchase.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #30-2014-2015 - AUTHORIZE NEW TRUST & AGENCY ACCOUNT

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J, Windoft to create a Trust & Agency savings account (T-1093.55) into which donations towards a new "History Scholarship Fund" will be deposited. The scholarship is being established at the request of Village Historian Susan Lane and will be awarded to a SWCS graduating senior who has chosen a career path related to history. NOTE: Trustee Jablonski suggested that scholarships such as this go through the Chautauqua Region Community Foundation.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

MAY 27, 2014 (CONTINUED)

RESOLUTION #31-2014-2015 - AUTHORIZE USE OF RICHARD O. HARTLEY PARK

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing the Jamestown YMCA to make use of Richard O. Hartley as the stage for a Pilates program Tuesday evenings, from 6:30 - 7:30 PM, and a "Bootcamp" program Thursday mornings from 9:30 - 10:30 AM during the upcoming summer months.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #32-2014-2015 - SET TIME & DATE FOR A PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor David T. Wordelmann to set 6:45 PM, Monday, June 9, 2014 as the time and date to conduct a public hearing on proposed Local Law #3-2014, to administer and enforce the updated New York State Uniform Fire Prevention & Building Code.

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

RECESS

Motion by Trustee Drago, seconded by Trustee Di Salvo, to recess the regular meeting at 7:46 PM, so as to enter into executive session to discuss employee wages and salaries.

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

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Susan F. Drago, Trustee David J. Di Salvo, Trustee John Jablonski and Village Attorney Edward P. (Tad) Wright. Motion by Trustee Drago, seconded by Trustee Di Salvo to adjourn the executive session at 8:13 PM.

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

Motion by Trustee Drago, seconded by Trustee Jablonski and unanimously carried the Board adjourned at 8:15 PM.

Joseph M. Johnson
Village Clerk