

MAY 28, 2013

The fourth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Tuesday, May 28, 2013 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, Deputy Village Treasurer Mary B. Currie, Police Chief John R. Bentley, Village Attorney Edward P. Wright and Department of Public Works Supervisor Thomas R. Pilling. Absent were Trustee Gale A. Denn, Village Treasurer Andrea J. Windoft, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith.

#### ANYONE TO BE HEARD

Mr. Samuel Whitmore, 34 Ohio Ave., and owner of the Bag & String Wine Merchants, 119 Chautauqua Ave., appeared before Mayor Wordelmann and the Board of Trustees to say that there is a need to address some property maintenance issues that are occurring within the Village of Lakewood. Mr. Whitmore said the people would be willing to get behind the Board of Trustees in efforts to make the community a better place. Mr. Whitmore indicated it is a matter of leadership in governance. There are probably more people that want to offer support and want to get involved than the Board of Trustees realizes.

Trustee Di Salvo suggested to Mayor Wordelmann that the Planning and Zoning Committee could look into appearance ordinances that go into more detail which could “beef up” the current local zoning law when it comes to property maintenance issues.

Mayor Wordelmann said although there are property maintenance requirements noted within the current local zoning law the problem arises when the judicial system doesn’t assist in its enforcement. Mayor Wordelmann warned Trustee Di Salvo of going too far when it comes to property maintenance.

Mr. Whitmore indicated the late developer of the former church property on Ohio Ave., knew how to tiptoe along the edge of complying with the rules and regulations. Today, most homeowners, if they know what exactly the property maintenance guidelines are, would make efforts to comply. He noted some peer pressure could push homeowners to make improvements. Mr. Whitmore then suggested starting the enforcement process with the most egregious properties.

Ms. Lisa Schmidtfrerick-Miller agreed with the concept of upping the property maintenance standards as a means to halt the cycle of depreciated properties which have a negative impact on an entire community.

Village Attorney Edward P. “Tad” Wright indicated there is always a need of community support before the local court system. Many of the property maintenance related cases brought before the local court the past decade were thrown out.

Mr. Joseph M. Troche, 19 Winchester Road, indicated these things have been going on for the past two decades. It is not something that is brand new. The laws don’t start or stop here, residents need to contact their county legislators to demand change on how things are done.

Chautauqua County Legislator P.J. Wendel, representing District 18, indicated that the county would turn around and say the matter at hand is a Township or Village issue. Legislator Wendel indicated that the old high school in Silver Creek, N.Y., which had been abandoned for years was just razed. Like Mayor Wordelmann said it boils down to finances.

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Mr. Whitmore said public pressure concerning some of the more obvious violators of the property maintenance code would likely result in compliance and by starting somewhere the overall appearance of the community will improve. With improvements more people will be willing to invest in the community. Mr. Whitmore said he is willing to take on the role as an agitator to stir things to get something started. It is always easy to make excuses to say it has always been this way, but that isn't an excuse to let it be that way forever.

Mayor Wordelmann asked Village Attorney Wright for his legal opinion on how the Village of Lakewood goes about fixing the problem when it comes to enforcement of certain areas of the local zoning law.

Village Attorney Edward P. Wright indicated the process starts with Building Inspector/Code Enforcement Officer Charles L. Smith who in the past during the spring of the year has canvassed the entire village for property maintenance violations and then notifies the property owner asking for compliance. If the property owner fails to take action to comply with the local zoning law he or she is cited to appear in Town Court. Mr. Wright said that is when the local Code Enforcement Officer could use the support of the residents of the community.

Mayor Wordelmann suggested if the Village of Lakewood cited violators, notified the general public of the violations and the scheduled court date, public support for the enforcement of the local zoning law could impact the Judge's decision.

Mr. Whitmore said a lot of people do indeed care about the Village of Lakewood evidenced by the turnout of citizens last year to clean-up Chautauqua Ave. and the wonderful work the Lakewood Women's Club does with the planters along Chautauqua Ave. There must be a desire to create a new normal. One would be amazed at what public pressure can do.

Mr. Johnson, 319.5 East Terrace Ave., wished to share a feel good story about a situation that happened in his neighborhood. An elderly neighbor didn't have any money to make improvements to her house so we her neighbors got together and installed new siding on her house.

Mayor Wordelmann said Mr. Johnson's heartwarming story reminded him of a case where a village resident was cited for a dilapidated garage/unsafe structure. Financially unable to pay for a roll-off dumpster, the Village of Lakewood agreed to pay for the dumpster rental and service up front while the home owner agreed to reimburse the Village of Lakewood with monthly payments until the bill is paid in full. It was a classic win win situation, where the home owner was able to clean up his property at an affordable price and improving the neighborhood.

Mr. Whitmore said there is a delicate balance of helping those in need versus holding those able accountable. The Village of Lakewood isn't a charity.

Mr. Jackson Smith, 15 Sunset Ave., asked Mayor Wordelmann, if before we leave this subject, can the residents can get a commitment of some accountability to look at having a committee within the Village of Lakewood, supported by the Board of Trustees, willing to offer some education to those in need financially. Mr. Smith said since returning to the area he was amazed by the degradation of a street which had been solid middle class, everyone happy, and it is due to those home owners aging in place. Mr. Smith implied there is public assistance available to residents who need to make upgrades to their homes but they just don't have the knowledge as to how to apply for it.

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Mayor Wordelmann indicated to Mr. Smith that residents of the Village of Lakewood have the commitment of the entire Board of Trustees regarding efforts to address housing and property maintenance issues that plague every community to some degree. He suggested that the Village of Lakewood look at what other communities have done in this area and follow by example.

Mr. Smith said it is his opinion that the Village of Lakewood has gone in the wrong direction the past ten years.

Mayor Wordelmann disagreed saying the Village of Lakewood has gone in the right direction more than not the past ten years.

Mr. Whitmore said he would be glad to commit to support the efforts of the elected officials of the Village of Lakewood in addressing property maintenance issues facing the community.

Mr. Randy Ridgeway, 323.5 East Terrace Ave., appeared before Mayor Wordelmann and the Board of Trustees regarding the issue he has with the addition at 321.5 East Terrace Ave. Mr. Ridgeway said he believes the issue is with the local zoning law. Mr. Ridgeway indicated he read the minutes of the last meeting of the Board of Trustees held May 13, 2013 and some of the comments made by Building Inspector Mr. Smith were just not true, adding he would rather not have Mr. Smith speak for him. Mr. Ridgeway said Mr. Smith presumed the issue was visual versus privacy, and that wasn't the case.

Mayor Wordelmann respectfully asked Mr. Ridgeway what is he requesting from the Board of Trustees this evening.

Mr. Ridgeway expressed his disappointment that this matter hasn't been resolved before now and doesn't wish to waste anymore of the Board of Trustees' time. Mr. Ridgeway said he believes the local zoning law addresses this issue plain and simple.

Village Attorney Wright indicated to Mr. Ridgeway the relief requested by his attorney asking the Zoning Board of Appeals to deem the Certificate of Occupancy issued to the homeowner at 321.5 East Terrace Ave., null and void falls outside their jurisdiction.

Mr. Ridgeway said he recalls at the Zoning Board of Appeals meeting held May 9, 2013 he was told they couldn't act on the matter because the issuance of certificates of occupancy falls under the New York State Fire Prevention & Building Code. A fire and safety issue that may come back before the Board of Trustees and Mr. Smith is the fact that there are bare electric wires on the exterior of the first and second floors of the residence at 321.5 East Terrace Ave., which has supposedly been inspected.

Mayor Wordelmann indicated to Mr. Ridgeway that he will speak to the Code Enforcement Officer about the wiring issue and get back to him.

Mr. Robert Whitman, 321 East Terrace Ave., asked if it is illegal to park across a public sidewalk, because there are a few cars that continually block the sidewalk along East Terrace Ave.

Police Chief John R. Bentley indicated to Mr. Whitman that parking on or across a public sidewalk is indeed illegal and that he'll look into the matter. If necessary some tickets will be written.

Mr. William F. Chandler, 207 West Summit Street, asked if the blinking light at the intersection of West Summit Street and Sunset Ave. is going too be repaired.

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Department of Public Works Supervisor Thomas R. Pilling indicated to Mr. Chandler that a new caution/stop light is on order and should be in service by the end of the week.

Ms. Lisa Schmidtfrerick-Miller, Healthy Communities Consultant and an employee with Small Town Planning Services, Westfield, N.Y., wished to thank those members of the Board of Trustees who attended one or both of the recent forums where the general public got an opportunity to review and comment on the various aspects of the Town of Busti's Comprehensive Plan.

#### 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 13, 2013.

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 May 28, 2013 be approved and that the Clerk shall execute said abstracts (#52 & #53) and direct payment by the Treasurer. General Fund: \$ 58,210.68, (Checks #9641 thru #9673), Trust & Agency Fund: \$ 53,142.70, (Checks #2467 thru #2478)

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

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated as earlier reported a new caution/stop light at the intersection of West Summit St. and Sunset Ave. is expected to be installed by the end of the week. Also, bids for the 1958 Caterpillar (D-6) bulldozer are to be received at 2:00 PM, Friday, May 31, 2013. Mr. Pilling indicated to Trustee Di Salvo that the New York Ave. street sign was located and has been re-installed.

Trustee Drago wished to thank Mr. Pilling and the entire D.P.W. crew for picking up the brush throughout the village at the beginning of the month, but commented that the brush and other materials set next to the road edge by residents for collection once a month has become unsightly.

Mr. Pilling said it only makes sense if one's brush is going to get picked-up on a particular Monday that one would place it curbside the weekend prior so as not to have it curbside for two or three weeks.

Much discussion ensued regarding the brush pick-up program currently in place, including ways to inform the residents of the program, some conditions to be followed by the residents and enforcement of those conditions.

Mr. Jackson Smith indicated that when one encounters difficult situations it is good to engage in difficult conversations.

Trustee Jablonski suggested that instead of residents putting out grass clippings for collection they should mulch them and put back on their lawns.

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Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered four thousand eighty reportable incidents year-to-date. Chief Bentley said he would like to publically thank Mr. Pilling and his crew for their help recently when asked to pick-up and transport a horse that had died at the Community Park on East Terrace Ave., to its final resting place in Lander, PA. The Amish owner of the horse apparently went fishing and did not provide adequate care for the horse while absent. Chief Bentley noted that the S.P.C.A. was contacted and is involved in the case. Chief Bentley said it is nearing summer which translates into an increase of drunks and drug activity. He added there are still issues with burglary activity out in the township.

Mayor Wordelmann asked Chief Bentley if there was anything the Village of Lakewood could have done to have prevented the horse's death, such as establishing a few hitching posts near shade adjacent to the parking lot at the Community Park.

#### COMMITTEE REPORTS

Trustee Jablonski indicated the Recreation Committee would like to explore some options to establish a concession stand at the Lakewood Beach House this summer.

Trustee Drago asked Trustee Jablonski if he has given any thought to having a vendor operate a concession stand at the park instead.

Trustee Jablonski said he would like to see how high the hurdles are in trying to do it in house.

Mayor Wordelmann said he has a question about the amount of traffic the park generates on a particular summer afternoon and whether it would be worth it.

Trustee Di Salvo said his thoughts were of doing something simple outside the beach house, including a grill for cooking hot dogs, a canopy, a cooler for soft drinks and water, chips and candy. He suggested for the Village of Lakewood to give it a try for a limited time, weekends and during some of the summer concerts, to see how it goes.

Trustee Drago said she wouldn't want the lifeguards to be distracted from their main job of lifeguarding to cook hot dogs.

Trustee Di Salvo indicated that was never his intention, but if and when the manpower is available, why not give it a try.

Mr. Whitmore suggested that the Village of Lakewood consider outsourcing the concession stand to a non-profit organization, where there might be more interest and marketing power.

Trustee Di Salvo said he would like to see some sort of concession stand in place this summer.

Mr. Joseph M. Troche, 19 Winchester Road, said the lifeguards undergo serious training to become a lifeguard and questions whether or not they should be asked to cook hot dogs and sell candy. Mr. Troche said he doesn't believe the Village of Lakewood should be in the restaurant business.

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Trustee Drago said a number of people have approached her about the fees the Busti-Lakewood Recreation Center is now charging groups to make use of the facility. For example, the township wants to charge the Busti-Lakewood Golden Agers \$ 35.00 to hold their monthly meetings at the recreation center. Trustee Drago said they are looking at other venues. She then suggested residents express their concerns to the Town Supervisor and other town officials and ask them to reconsider charging community groups that wish to use of the recreation center.

Mayor Wordelmann indicated that the Village of Lakewood used to pay the Town of Busti \$ 15,000.00 per year to assist in the operation of the joint recreation program, until it was learned the recreation center was operating with a substantial surplus. Two years ago the Village of Lakewood cut its appropriation in half and this past year didn't appropriate any money for the recreation center. Mayor Wordelmann said he is hopeful that the fee question can be worked out.

County legislator P.J. Wendel indicated he represents the Village of Lakewood and most of the Town of Busti and said non-profit organizations and other community groups shouldn't have to pay the \$35.00/hr. fee to conduct meetings at the Busti-Lakewood Recreation Center.

Trustee Jablonski asked Mayor Wordelmann if there are plans to establish a committee to review and amend the local zoning law plus address the various moratoria in place.

Mayor Wordelmann indicated he plans to appoint two members from the Board of Trustees, Planning Board, Zoning Board of Appeals, plus the Building Inspector, the Village Attorney and the Village Clerk, to the zoning review committee within the next couple of weeks.

Trustee Di Salvo indicated to Mayor Wordelmann that he has been contacted by a few residents who have shown an interest in serving on the zoning review committee. The interested residents include Jackson Smith, who is here this evening, Myra V. Blasius, an attorney herself as well as a member of the Zoning Board of Appeals, and David W. Shepherd.

Mayor Wordelmann said he was under the impression that the committee Trustee Di Salvo was heading up was going to work on the development of a comprehensive plan for the Village of Lakewood.

Trustee Di Salvo said the proposed committee members were planning on looking at the moratoria in place, reviewing the local zoning law and making some recommendations for amendments to it.

Mayor Wordelmann indicated to Trustee Di Salvo that his proposal isn't how we are going to handle the formation of the zoning review committee.

Trustee Di Salvo indicated that he and fellow Planning & Zoning Committee member Trustee Jablonski planned on meeting with folks from the planning board, zoning board of appeals and residents to begin discussions, get some input and come back before the Board of Trustees with a draft on how to address the moratoria, the site plan review process, storm water management measures, erosion regulations and amendments to the current zoning law.

Trustee Drago indicated because this committee is being appointed by the Mayor, he should be the lead member of this zoning review board.

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Trustee Jablonski said there is some sort of misunderstanding regarding the fact that Mayor Wordelmann appointed Trustee Di Salvo and me to the planning and zoning committee to do this work and now we are told that isn't how it is going to be done.

Trustee Jablonski said he and Trustee Di Salvo thought the project to review the zoning law, among other things was delegated to the newly formed planning and zoning committee.

Mr. Jackson Smith asked Mayor Wordelmann why can't there be more than two members of the Board of Trustees on the proposed zoning review committee.

Mayor Wordelmann said it would violate the open meetings law.

Mr. Smith said that is a nifty way of getting around having open meetings.

Mayor Wordelmann indicated the Village of Lakewood isn't trying to get around anything and any decisions or determinations by this zoning review committee would be presented at a future public hearing.

Mr. Sam Whitmore asked Mayor Wordelmann why is it an issue for you not to agree with Trustee Di Salvo's zoning review committee ideas.

Mayor Wordelmann said as Mayor, it is imperative that he is on the zoning review committee, and until someone is elected to take my place, I will be the Mayor of Lakewood and that is my decision. I have no intention of delegating my powers away.

Trustee Di Salvo indicated to Mayor Wordelmann by no means is he trying to usurp the powers of the Mayor, however the clock is ticking when it comes to addressing the moratoria, the site plan review process, erosion control and storm water management. The proposed committee would then come back with some recommendations for new ordinances which would require a public hearing prior to adoption by the full Board of Trustees.

Mayor Wordelmann indicated not being appointed to the zoning review committee wouldn't preclude Trustee Di Salvo and Trustee Jablonski from getting together and making some recommendations.

Trustee Di Salvo said now he is totally confused, because he thought he was appointed as Chairman and Trustee Jablonski as Co-Chairman of the planning and zoning committee to do just that.

As stated earlier Mayor Wordelmann said he will be appointing the zoning review committee.

Trustee Di Salvo said with all due respect you have two members of the Board of Trustees with masters degrees in urban planning, with particular expertise in zoning and planning who wholeheartedly believe could be of great assistance in this process.

Mayor Wordelmann indicated things are going to change but these changes will be done as a group. Mayor Wordelmann said he feels very passionate about his position and intends to do things the right way by utilizing the expertise of the long time residents of the Village of Lakewood.

Trustee Jablonski respectfully asked Mayor Wordelmann to consider appointing Trustee Di Salvo to the zoning review committee.

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RESOLUTION #28-2013-2014 – APPOINT NEW TREE COMMITTEE

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, per the recommendation of Mayor Wordelmann, to appoint the following individuals as members of the new Tree Committee; Mr. Richard Rose, Chairman, 42 Gifford Ave. (one year), Tammy Bakewell, 65 West Terrace Ave. (two years), Jack Hemink, 51 West Terrace Ave. (two years), Valerie Dow, 10 Stoneman Ave. (three years) and Scott Smith, 110 Winchester Road, (three years).

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

TREE COMMITTEE REPORT

Mayor Wordelmann thanked Mr. Rose for heading up the new tree committee.

Mr. Rose indicated that the proposed tree ordinance should be reviewed and amended where necessary. Mr. Rose then suggested that the tree ordinance be coordinated with the revised zoning law and signage regulations. He would also like to have a member of the Board of Trustees act as the tree committee liaison. Mr. Rose then asked Mayor Wordelmann for some funding to update the tree inventory study done thirteen years ago and to plant some new trees next year.

RESOLUTION #29-2013-2014 – APPOINT TREE COMMITTEE LIAISON

Motion by Trustee Di Salvo, seconded by Trustee Drago, per the recommendation by Mayor Wordelmann to appoint Trustee Jablonski as the tree committee liaison.

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

RESOLUTION #30-2013-2014 – APPROVE 2013 DOCK PERMIT APPLICATION

Motion by Trustee Drago, seconded by Trustee Di Salvo, to approve the 2013 Dock Permit Application as submitted by Mark Ramsey, 8 Oakland Ave., for the Oakland Ave. right-of-way.

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

Motion by Trustee Drago, seconded by Trustee Di Salvo, and unanimously carried the Board adjourned at 7:43 PM.

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Joseph M. Johnson  
Village Clerk



