

AUGUST 11, 2014

The ninth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, August 11, 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, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg and Building Inspector Jeff Swanson. Absent were Trustee Gale A. Denn, Village Treasurer Andrea J. Windoft and Village Attorney Edward P. "Tad" Wright.

#### 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 July 28, 2014.

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

#### AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Di Salvo, the claims as audited by the Auditing Committee of the abstracts dated August 11, 2014 be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Trust & Agency Fund: \$ 56,694.98, (Checks #3054 thru #3072), General Fund: \$ 97,736.41, (Checks #10930 thru #10973)

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

#### REPORTS

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to five hundred fourteen alarms year-to-date, which is forty-seven more than the number of alarms responded to last year at this time. Chief Hallberg also reported that the new patient loading system has been installed in the ambulance and has worked out real well so far. He then reported that the Truck Committee has elected to reject all the bids for a new 1500 GPM Class A Pumper, that were received Friday, July 25, 2014, due to the fact that the prices came in higher than expected. Chief Hallberg said the Truck Committee intends to request a second set of bids from interested vendors and in doing so giving prospective bidders a little more time to prepare a bid.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to seven thousand six hundred three reportable incidents year-to-date and that the department is very busy. He wished to again remind residents to lock their vehicles and not to leave any valuables in them. Chief Bentley also reported that he has completed the next phase of the K-9 grant, which includes an additional \$ 20,000.00 and that he recently received \$ 473.00 in donations for the new K-9 unit.

Department of Public Works Supervisor Thomas R. Pilling reported that earlier in the day he ordered some rock for the soon to begin drainage and shoreline restoration project proposed for the New York Ave. right-of-way. Mr. Pilling also reported that work on the new baseball field off Linwood Ave. is

continuing.

Village Clerk Joseph M. Johnson reported that he has been working with the Chautauqua County Health Department in monitoring the water quality at the Village of Lakewood's public beach, in particular the blue-green algae condition that has been persistent this summer. The blue-green algae condition has caused the public beach to be closed to swimming a number of days in July & August.

In calling upon Building Inspector Jeff Swanson for his report, Mayor Wordelmann noted that Mr. Swanson successfully completed codes school recently and passed the final exam.

AUGUST 11, 2014 (CONTINUED)

Mr. Swanson wished to report that he will be meeting with a representative of Mr. William McFadden's and Tree Committee Chairman Mr. Richard Rose, tomorrow morning to review the landscaping plans for the express lube and car wash being proposed at 203 East Fairmount Ave. Mr. Swanson also reported the former Beechwood Restaurant, 400 East Terrace Ave. has been sold, site work has begun on the proposed Panera Bread restaurant at 80 Mall Blvd. and Five Guys Burgers & Fries has been issued a demolition permit regarding plans to establish a restaurant in the Chautauqua Mall. Mr. Swanson said drawings for the Five Guys Burgers & Fries are expected within a couple of weeks and while talking with the new owner of 400 East Terrace Ave. he made it clear that some obvious property maintenance issues on the building's exterior will need some immediate attention.

Mayor Wordelmann, said starting with Mr. McFadden's project, he wanted to make it clear that there are two separate projects going on at that location. One being the express lube and car wash currently under construction, which is properly contained by silt fence. Mayor Wordelmann said the large stockpile of dirt immediately east of the construction site was excavated from a piece of property located on the south side of East Fairmount Ave. As it stands right now, no permits are required to excavate and stockpile dirt. Any concerns with the stockpiled dirt should be referred to the New York State Department of Environmental Conservation.

Mr. Swanson said he asked Mr. Dennis Brown, the owner of the property from which the dirt came from, to install silt fence along the north edge of the property to prevent mud and silt from entering onto Rt. 394.

Building Inspector Swanson indicated he heard there were some questions whether or not any of Mr. McFadden's property is located within a wetland. Mr. Swanson said according to the Chautauqua County GIS none of his property south of the railroad tracks is located within a wetland.

Trustee Jablonski asked Mr. Swanson how did he determine that from Chautauqua County's GIS.

Mr. Swanson said there are map overlays which note either federal or state wetlands.

Mayor Wordelmann indicated that he was approached by a resident who didn't believe the proper erosion prevention measures were being carried out at the Panera Bread construction site, when in fact silt fences surround the construction site.

Mr. Swanson said in addition to the silt fencing in place on the Panera Bread construction site, some catch basins, which also are equipped with filters, have already been installed.

Trustee Jablonski asked Mr. Swanson if landscaping plans for the Panera Bread project have been submitted.

Mr. Swanson indicated that he believes the landscaping plan is included with the construction drawings.

He also informed Mayor Wordelmann and members of the Board of Trustees that he will be looking into the process, with assistance from Village Attorney Wright, to have advertising signs from former commercial businesses removed from the landscape.

Trustee Di Salvo thanked Mr. Swanson for taking the time to do a walking tour along Chautauqua Ave. with him last week to review first hand some of the issues that have been discussed previously.

Mayor Wordelmann also wished to thank Mr. Swanson publically for quickly taking care of the situation where Mr. Roger Brown had used cars displayed to close to Chautauqua Ave.

AUGUST 11, 2014 (CONTINUED)

Chautauqua County Legislator P. J. Wendel appeared before Mayor Wordelmann and the Board of Trustees to speak about problem that has been plaguing Chautauqua County for the past few years now, and that is the matter of assigned legal counsel costs. Currently the County budgets \$ 250,000.00 annually for assigned legal counsel however for the past few years legal costs have approached 1 million dollars annually. For example, with the recent drug bust that resulted in the arrest of forty-seven individuals, it is likely going to be necessary to tap into the local defense attorney pool, which comes at a much higher price tag than the team of public defenders. Mr. Wendel said Chautauqua County has an agreement with Cattaraugus County to make use of their system/formula when it comes to assigned legal counsel. Legislator Wendel said unfortunately it has become the cost of doing business in law enforcement.

Trustee Drago suggested to Legislator Wendel that Chautauqua County needs to look at other options, rather than get tied in with Cattaraugus County's system/formula with respect to assigned legal counsel.

Legislator Wendel said that Chautauqua County must do what it can to lower these legal cost overruns.

RESOLUTION #54-2014-2015 - REJECT FIRE TRUCK BIDS RECEIVED JULY 25, 2014

Motion by Trustee Drago, seconded by Trustee Di Salvo, for the Board of Trustees, acting as the Board of Fire Commissioners, and per the recommendation of Fire Chief Kurt W. Hallberg, to reject the bids for one Custom 1500 GPM Class A Pumper, as received at 3:00 PM, Friday, July 25, 2014, from KME Kovatch, Nesquehoning, PA, \$ 660,508.00, US Tanker, Delavan,

WI, \$ 670,572.18 and Spartan, Ephrata, PA, so as to seek a second set of bids, plus provide prospective bidders additional time to prepare their bids.

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

RESOLUTION #55-2014-2015 - SET TIME AND DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor Wordelmann to set 6:45 PM, Monday, September 8, 2014, as the time and date to conduct a second public hearing on proposed Local Law #4-2014, Amendments & Revisions to the Village of Lakewood's Zoning Law, contingent upon receiving comment from the Chautauqua Department of Planning & Economic Development.

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

RESOLUTION #56-2014-2015 - LEAD AGENCY DESIGNATION

Motion by Trustee Jablonski, seconded by Trustee Drago, to designate the Village of Lakewood as the Lead Agency, in connection with the State Environmental Quality Review (SEQR) process as it pertains to the proposed amendments and revisions to the Village of Lakewood's current zoning law.

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

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, and unanimously carried the Board adjourned at 6:59 PM.

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Joseph M. Johnson  
Village Clerk