

SEPTEMBER 14, 2015

The thirty-fifth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, September 14, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Ellen E. Barnes, 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 and Fire Chief Kurt W. Hallberg. Absent were Trustee David J. Di Salvo and Building Inspector Jeffrey A. Swanson.

#### 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 August 24, 2015.

Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

#### AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Drago, that the claims as audited by the Auditing Committee of the abstracts dated September 14, 2015 be approved and that the Clerk shall execute said abstracts (#14 & #15) and direct payment by the Treasurer. Trust & Agency Fund: \$ 59,360.25, (Checks #3478 thru #3493), General Fund: \$ 93,178.49, (Checks #12037 thru #12089)  
Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the D.P.W. crew finished-up the scheduled paving projects for the year with the resurfacing of Sessions Ave., Baxter Ave., Miller Ave, Nicholas Ave. and Muto St. and that the curbing and sidewalk project for Mall Blvd. should be starting soon. Mr. Pilling also reported that he took delivery of a new 2016 Ford F-250 pick-up truck earlier in the day and that the used grinder will soon be moved to the brush dump site on Hoag Road.

When asked by Trustee Drago about the brush pick-up schedule for September and October, D.P.W. Supervisor Pilling said thoughts to continue this particular service into 2016 will need to be discussed in detail over the winter months.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to eight thousand two hundred twenty-three reportable incidents year-to-date, of which seven hundred forty-two occurred since the last meeting. Chief Bentley said those seven hundred forty-two incidents included two hundred eighty-six vehicle & traffic stops, three hundred fifty-eight property checks, twenty-seven assists to other law enforcement agencies, six DWI (Driving While Intoxicated) arrests and fourteen motor vehicle accidents. Chief Bentley also indicated that part-time Police Officer Brian D. Fox was added to the staff September 2, 2015, filling the last vacancy, and that Officer Fox is currently going through his field training.

Village Attorney Wright asked Chief Bentley about how many times do other

agencies assist the Lakewood-Busti Police Department during a given period.

Chief Bentley said the assist ratio is pretty equal however the L-BPD does assist the Jamestown Police Department quite often.

Mayor Wordelmann asked Chief Bentley if he has had any discussions with the Chautauqua County Sheriff's Department and/or the New York State Police about law enforcement activities within the L-BPD's jurisdiction.

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Chief Bentley said for the most part it is understood that those law enforcement agencies do not need to spend any significant amount of time within the Town of Busti in that they have enough of their own territory to cover. By the same token if they witness a vehicle & traffic violation as they traverse our jurisdiction Chief Bentley said he wants the other law enforcement agencies to intervene.

Mayor Wordelmann said what he doesn't want is for residents to think there is redundancy with respect to law enforcement which prompts the question, why do we need our own police force if the Sheriff's Department and/or NYS Police are perceived to have a significant presence within the L-BPD's jurisdiction.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to six hundred thirty-six alarms year-to-date, fifty-eight of which occurred since the last meeting. Chief Hallberg indicated that of the fifty-eight alarms in the past three weeks there were two cardiac arrests, three motor vehicle accidents and ten automatic alarms. Chief Hallberg also reported that the Lakewood Fire Company recently purchased a Lucas Chest Compression System at a cost of \$ 12,000.00. Chief Hallberg said the system performs CPR (Cardiopulmonary Resuscitation) perfectly which allows the EMT to be able to tend to the patient in other ways.

Mayor Wordelmann asked Chief Hallberg if there is any news on the sale of Medic-37, (2005 FORD).

Chief Hallberg said the Sunset Bay and Silver Creek fire departments have shown an interest in the vehicle but no decisions have been made yet.

Village Clerk Johnson had no report, but took a moment to personally thank Fire Chief Hallberg and the entire EMS (Emergency Medical Service) crew for coming to his rescue Labor Day weekend.

When asked by Mayor Wordelmann about the Village Hall's roof situation, Village Clerk Johnson indicated that he has received estimates from Jamestown Roofing to patch the flat roof above the police department and Mayor's Office and to replace the smaller roof over the Lakewood-Busti Police Department's evidence room. The cost to repair the larger flat roof has been estimated at between \$5,000.00 and \$6,000.00. The cost to replace the smaller flat roof has been estimated at \$ 4,280.00.

Mr. Joe Dominick from Jamestown Roofing indicated that work to repair the larger flat should be done before winter sets-in and suggested the Village of Lakewood consider appropriating at least \$ 35,000.00 in next year's budget to have the roof replaced.

Mayor Wordelmann indicated that some of the funding to repair the larger flat roof could be transferred from the account that funds the annual

contributions to the New York State Retirement Systems. Based on the latest figures issued from the NYS Comptroller's Office this year's contributions to the NYS Retirement System will be lower than originally estimated.

Mayor Wordelmann recommended that the Village of Lakewood make the necessary roof repairs and then budget for roof replacement next fiscal year.

Trustee Jablonski suggested that the Village of Lakewood consider putting the roof replacements out to bid now so as not to waste taxpayers' money with roof repairs when it is understood the roof will need to be replaced next year anyway. Trustee Jablonski said the new roof could be funded from last year's fund balance.

Mayor Wordelmann said the Village of Lakewood would be spending no more than \$ 6,000.00 to repair the larger flat roof and then could take its time to request bids for the roof replacement projects next year.

Trustee Jablonski said \$ 6,000.00 is still a significant percentage of the overall replacement cost. He added, if possible, it would make more sense to replace the flat roofs this fall rather than waste the repair costs.

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Trustee Jablonski said he urged Mayor Wordelmann to budget for capital improvements for this building during budget discussions.

Mayor Wordelmann said it would have meant raising taxes.

Trustee Jablonski said he disagreed. Budgeting capital improvements to this building would have meant keeping the tax rate the same and it was his opinion at that time the Board of Trustees were neglecting much needed work on this building.

Mayor Wordelmann said we have had this argument before and implied Trustee Jablonski doesn't know how the tax base works. Mayor Wordelmann said having dealt with the repair of flat commercial roofs, it is not unusual to spend a few thousand dollars on repairs until the roof can be replaced.

#### RECESS

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

Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

#### PUBLIC HEARING - 6:45 PM RE: CHRIC FUNDING APPLICATION

Mayor Wordelmann opened the public hearing at 6:48 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper.

Ms. Eileen Powers, Director of Rehab Services for the Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC) appeared before Mayor Wordelmann and the Board of Trustees to briefly explain the process by which the Village of Lakewood will

be making another application for housing rehabilitation funding. Ms. Powers said unfortunately the Village of Lakewood was not awarded funding via their initial application in 2014, so "we" are going to give it another try. Ms. Powers indicated that she and Village Clerk Johnson recently held a conference call with a representative from the New York State Homes & Community Renewal Office to determine what shortcomings on the initial application could be corrected to improve the chances for funding on a subsequent application. Ms. Powers said to improve one's chances for funding it was suggested that the applicant present an eligible homeowner list, three quarters of which, should have an income of less than 50% of the area's median income. She then noted that there are forty-one income eligible families on the waiting list for home repairs. Also any senior citizen living only on social security is going to be eligible.

Mayor Wordelmann asked Ms. Powers what is the timeframe for the awarding of the grant and subsequent funding of eligible housing rehabilitation projects.

Ms. Powers said the Village of Lakewood should be notified if they were awarded the grant early next year and then it will take around sixty days or so implementing contracts between New York State and the village. Once the funds are released the qualified projects can then move forward.

Ms. Cara Birrittieri, 15 Sunset Ave., asked Ms. Powers what were some of the shortcomings in connection with the Village of Lakewood's initial application for funding.

Ms. Powers said primarily the initial application likely underestimated the number of applicants that were under the less than 50% of the median income level and the number of severely substandard residential properties in line for improvements. She added it will be a matter of slightly changing the numbers of those targeted for funding. Ms. Powers indicated that overall the initial application scored very well.

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In closing Ms. Powers reported that the maximum dollar amount of funding available through this program has increased from \$ 400,000.00 to \$ 500,000.00.

With no one else to be heard Mayor Wordelmann closed the public hearing at 6:56 PM.

#### ANYONE TO BE HEARD

Mayor Wordelmann said as discussed earlier at the work session, he attended last week's meeting of the Lakewood Memorial Library Board of Trustees to review with them a recent trend where they've experienced an increase in spending on salaries the past few years. Mayor Wordelmann then indicated that Trustee Susan F. Drago will be attending their next meeting, November 10, 2015.

Mr. Benjamin Blood, a member of the Lakewood Memorial Library Board of Trustees appeared before Mayor Wordelmann and the Board of Trustees to respond to some concerns voiced by Mayor Wordelmann last week, with respect to spending. Mr. Blood said the library wishes to have an open dialogue with the Village of Lakewood and to meet half way regarding funding rather than just ask for more money and not do anything different. Mr. Blood said we at

the library realize it is a two way street and understand the Village of Lakewood is not their funding problem. Part of the funding problem stems from the cuts that the Town of Busti has made in their contributions to the library the past few years.

Mayor Wordelmann thanked Mr. Blood and that he and the Board of Trustees look forward to working with members of the Lakewood Memorial Library Board of Trustees.

Chautauqua County Legislator P.J. Wendel indicated to Mayor Wordelmann and the Board of Trustees that he did follow-up with Mr. Mark Geise of the Chautauqua County Land Bank regarding the question of them possibly being able to assist in dealing with dilapidated properties, in particular the unsafe residential structure at 8 Olive Ave. Legislator Wendel said unless the Village of Lakewood were to take over ownership of the property, the Land Bank's hands are pretty much tied in offering any assistance.

Comprehensive Plan Steering Committee Chairman Ted McCague wished to report that the deadline to submit comprehensive plan surveys came to a close September 12<sup>th</sup>. According to the planner, as of today three hundred sixty-seven surveys have been submitted electronically and according to the Village Clerk sixty-six paper surveys have been turned in. Mr. McCague said the response by members of the community has been outstanding. Mr. McCague then wished to remind everyone there will be a Conference on Community/Main Street Revitalization, presented by the New York State Department of State - Division of Local Government Services 6:00 - 8:00 PM, Wednesday, September 16<sup>th</sup> and the second Community Forum on the Comprehensive Plan will be held 6:00 - 8:00 PM, Thursday, September 24<sup>th</sup>. Both events will be held at the Gloria Dei Lutheran Church Hall, 35 West Fairmount Ave.

Matthew T. Kerwin, Esq., of the law offices of Barclay Damon, LLP, Syracuse, New York, appeared before Mayor Wordelmann and the Board of Trustees on behalf of his client, Upstate Tower, who is proposing a new cell tower in the Village of Lakewood off West First Street. Mr. Kerwin indicated that Blue Wireless, who is building out its network in northwestern Pennsylvania and southwestern New York, will be utilizing the tower. Currently Blue Wireless is experiencing a coverage gap in the Lakewood area, which they wish to remedy with the additional tower. The proposed tower will be located on the northwest corner of the property owned by Kingsview Enterprises (John Rauh) along West First Street.

Mayor Wordelmann indicated to Mr. Kerwin that his client is asking permission from the Village of Lakewood to locate a communications tower within an R-1, Residential District, which will likely be met with a tremendous amount of opposition. Mayor Wordelmann also indicated that in accordance with the Village of Lakewood Zoning Law, communication towers are not listed as a use by right in either an R-1, or R-2, Residential District. Communication towers however are listed as a use by special use permit in Light Industrial (L-1) and Highway Business (B-2) Districts.

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Any plans to locate a communications tower within a residential district would require a use variance. Mayor Wordelmann asked Mr. Kerwin why that particular location versus a location at a higher elevation.

Mr. Kerwin explained that each cell phone carrier operates at different frequencies. Blue Wireless' frequency isn't as strong as others, therefore

there is the need to improve 4G, LTE and building coverage in this particular area of the Village of Lakewood. Maximum coverage from the tower location will be approximately two miles. Mr. Kerwin said other properties in the immediate area were considered, namely Matco Tools, the American Legion Post #1286 and Lexington Machining, LLC, none of which were interested.

Some discussion ensued regarding the review process as this project moves forward with Mayor Wordelmann and Village Attorney Wright agreeing that if indeed the communications tower were to be located within a residential district, Mr. Kerwin's client would be required to apply for a use variance which would be referred to the Zoning Board of Appeals for their review.

Trustee Jablonski asked Mr. Kerwin for some clarification. He indicated that the site plan indicates the height of the proposed tower at approximately 100 ft. however an attached letter penned by Blue Wireless noted the tower will be 150 ft. high.

Mr. Kerwin said that particular information contained in a letter dated March 2015, is in error. The total height of the proposed tower will be 102 ft., antennas and all. The tower will be equipped with nine seven ft. panels and three microwave dishes.

Village Attorney Wright asked Mr. Kerwin if the proposed tower will be serving existing Blue Wireless subscribers or is it for future subscribers.

Mr. Kerwin indicated to Mr. Wright that he doesn't have any current customer listing.

Department of Public Works Supervisor Thomas R. Pilling asked Mr. Kerwin if any nearby Village of Lakewood owned property was considered as a possible site for the proposed tower.

Mr. Kerwin said he would be willing to consider alternate sites that meet the needs of his client.

Mayor Wordelmann said the overall height of a communications tower in the vicinity of Chautauqua Ave. could be obtrusive to some and impact the overall aesthetics of the village. Mayor Wordelmann said he assumes there will be a public backlash at the thought of putting a tower anywhere within sight of the Chautauqua Ave. corridor. He added there is currently a new comprehensive plan for the Village of Lakewood in the works. A good share of which will likely focus on Chautauqua Ave.

Mr. Kerwin indicated that the proposed site is heavily treed and the tower might not be as visible as one would think.

Trustee Jablonski asked Mr. Kerwin what about the possibility of erecting two less obtrusive shorter towers.

Mr. Kerwin said it is imperative that the top of the tower is above trees because the signal degrades quickly when it is allowed to bounce off trees and nearby buildings.

Trustee Jablonski respectfully asked that the Board of Trustees, as an involved agency, conduct a coordinated SEQR (State Environmental Quality Review) along with the Zoning Board of Appeals regarding this proposal. He said the SEQR should be conducted prior to any action being taken.

Village Attorney Wright said he will be glad to research the proper steps to take regarding the SEQR process as they relate to any action on this matter.

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Trustee Jablonski said the Zoning Board of Appeals may find that this project to have a significant impact on the local environment and ask that a Full Environmental Impact Statement.

RESOLUTION #180-2014-2015 - AUTHORIZE FUND TRANSFERS

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to transfer funds from Accounts A230.1 [Cash Reserves] and A230.2 [Cash Reserves] into Account A-5110.40, [Streets Contractual] in connection with the joint purchase of a brush grinder with the Town of Busti.

Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

RESOLUTION #181-2014-2015 - AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Drago, seconded by Trustee Barnes, authorizing the Lakewood Family YMCA to make use of village streets for the "Battle of the Businesses" two mile run, to take place at 9:00 AM, Saturday, September 19, 2015.

Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

RESOLUTION #182-2014-2015 - AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Barnes, seconded by Trustee Drago, authorizing the National Comedy Center, Jamestown, New York to make use of village streets as a portion of the 13.1 mile course for the third annual Lucy Town Half Marathon to be held Sunday, October 11, 2015. The race will start and finish at the Jamestown Savings Bank Ice Arena.

Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

RESOLUTION #183-2014-2015 - AUTHORIZE VOTING POWER

Motion by Trustee Jablonski, seconded by Trustee Barnes, authorizing Mayor David T. Wordelmann to vote on behalf of the Board of Trustees and the Village of Lakewood as a founding member, on matters regarding the newly formed Chautauqua Lake & Watershed Management Alliance, Ms. Erin Brickley, Executive Director.

Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

RESOLUTION #184-2014-2015 - AUTHORIZE CHRIC PROGRAM PARTICIPATION

Motion by Trustee Jablonski, seconded by Trustee Barnes, authorizing the Village of Lakewood to participate in a home rehabilitation program via a Community Development Block Grant (CDBG) offered through the Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC), Mayville, New York.

Adopted: 3 ayes, no nays (Branes, Drago, Jablonski)

RESOLUTION #185-2014-2015 - APPROVE ENCROACHMENT EASEMENT/AGREEMENT

Motion by Trustee Drago, seconded by Trustee Barnes, to approve an Encroachment Easement between the Village of Lakewood and Ms. Susan O'Leary, 236 Christian Ave., Stony Brook, New York, current owner of the single family residence at 18 Sunset Ave., which encroaches into the Sunset Ave. right-of-way and to authorize Mayor David T. Wordelmann to execute same.

Adopted: 3 ayes, no nays (Barnes, Drago, Jablonski)

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Motion by Trustee Barnes, seconded by Trustee Jablonski, and unanimously carried the Board adjourned at 7:39 PM.

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Joseph M. Johnson  
Village Clerk