

OCTOBER 26, 2015

The thirty-eighth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, October 26, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Ellen E. Barnes, 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 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 October 13, 2015.

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

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated October 26, 2015 be approved and that the Clerk shall execute said abstracts (#20 & #21) and direct payment by the Treasurer. Trust & Agency Fund: \$ 55,994.61, (Checks #3521 thru #3532), General Fund: \$ 161,848.63, (Checks #12167 thru #12199)
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the curbing and sidewalk project on Mall Blvd. has been completed. The invoice for the project is \$ 1,352.25 more than the bid price due to the fact that the number of lineal feet of curbing needed was slightly under calculated in the original specifications and there were additional costs associated with the handicapped accessible inclines within the sidewalk. Mr. Pilling indicated that Village Treasurer Andrea J. Windoft suggested that a resolution be adopted by the Board of Trustees approving a change order authorizing payment of the additional amount.

Mayor Wordelmann suggested to make that resolution number one under old business.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to nine thousand four hundred sixty-eight reportable incidents year-to-date and that L-3 is back on the road after being in the body shop for repairs following a deer strike earlier this month. Chief Bentley said he has recently received \$ 1,000.00 donations to both the K-9 fund and the equipment fund, adding things are steady.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to seven hundred thirty-eight alarms year-to-date and of the thirty-eight alarms in the past two weeks, there was a fire call at the Sakura Restaurant at the Chautauqua Mall and motor vehicle accidents at Keller Road and Rt. 394 and at Southwestern Drive and Hunt Road involving a

dump truck with overheated brakes.

Building Inspector Jeffrey A. Swanson indicated he would like to begin his report by thanking Lakewood-Busti Police Chief Bentley for his assistance this morning and commending Sgt. J.G. Spencer for diffusing a touchy situation while he was in the process of impounding three vehicles, (car, motorcycle, camping trailer), from 101 Elizabeth Street, via the enforcement of Section #25-57, [Junk Vehicles], of the Village of Lakewood Zoning Law.

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Mr. Swanson also reported that Mrs. Judy Carlson, owner of 8 Olive Ave., has been given a letter authorizing her and her husband Bruce three weeks to remove personal property from their residence and garage prior to its scheduled demolition. Mr. Swanson said under new business the Village of Lakewood will be requesting quotes to raze the structures and properly dispose of the construction and demolition material.

Mayor Wordelmann indicated the property at 101 Elizabeth Ave. has been a problem for some time, where it appears the tenants are utilizing the small garage as a vehicle repair facility. Mayor Wordelmann then asked Mr. Swanson about other miscellaneous junk at that location that has yet to be taken care of.

Mr. Swanson said the property owner has received a notice of violation and has thirty days to comply.

Mayor Wordelmann asked Building Inspector Swanson if there is a timeline regarding the demolition project at 8 Olive Ave.

Mr. Swanson said the owner will have until November 15th to retrieve any personal property, at which time a contractor will begin razing the unsafe structures and properly dispose any and all construction and demolition material on the site.

Village Attorney Wright indicated the Board of Trustees will need to adopt a resolution accepting a particular quote and authorizing the expenditure of monies to clean-up the property at 8 Olive Ave.

Trustee Di Salvo asked Mr. Swanson if after the last Board of Trustees meeting a letter was sent to the owner of 8 Olive Ave., asking if she would be willing to deed the property to the Village of Lakewood, so as to possibly take advantage of funding through the Chautauqua County Land Bank.

Building Inspector Swanson indicated to Trustee Di Salvo he did not send a letter to the owner of 8 Olive Ave., because at the time there was a question as to whom should send it.

Mayor Wordelmann said when Mr. & Mrs. Carlson stopped-in at the Clerk's Office to sign the letter outlining the time frame they had to retrieve their personal property from the site, they appeared agitated and uncooperative. Their demeanor implied that it would be highly unlikely they would agree to deed their property to the Village of Lakewood. In speaking with Mr. Mark Geise, the only way the Chautauqua County Land Bank could assist financially would be if Mrs. Carlson were to deed her property to the Village of Lakewood. Mayor Wordelmann added it is not a pleasant situation going

forward.

Trustee Di Salvo said he understands that the likelihood of Mrs. Carlson deeding 8 Olive Ave. to the Village of Lakewood isn't great, but he would feel more comfortable if, for the record, the Village of Lakewood, had formally requested her to consider doing so. Because the Village of Lakewood is "on the hook" for the demolition and clean-up costs, which have been estimated at fifteen to twenty thousand dollars, he would like to have pursued that option.

Building Inspector Swanson said 8 Olive Ave. will likely be considered a "hot site" due to suspected asbestos at that location. It is his job to assess the situation and to oversee the demolition and clean-up of the site. Mr. Swanson said he believes asking him to send a letter to a property owner requesting that they consider deeding their property to the Village of Lakewood, is overstepping his boundaries.

Trustee Di Salvo said he agreed, that any such letter should come from the Village of Lakewood's legal counsel. He would like to go on record stating that if this situation arises again in the future, the Village of Lakewood needs to get on top of it right away.

Building Inspector Swanson indicated that he first reported the situation at 8 Olive Ave. to the Board of Trustees on July 21st and at that time explained the steps moving forward.

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Trustee Di Salvo said he is not the chief elected official and made it clear to Mr. Swanson that he is not pointing fingers. Trustee Di Salvo commended Mr. Swanson for the great job he is doing. Trustee Di Salvo said, in an effort to save some money, it should be a policy of the Board of Trustees to send a letter to the property owner immediately when scenarios such as the one at 8 Olive Ave. present themselves.

Mayor Wordelmann said these sensitive situations must be handled diplomatically and discussed face to face rather than via an impersonal letter.

Trustee Di Salvo isn't suggesting that such a letter needs to be contentious, rather just to outline the process and what will happen if they agree to deed their property to the Village of Lakewood.

RECESS

Motion by Trustee Drago, seconded by Trustee Jablonski, to recess the regular meeting at 6:45 PM, so as to conduct a previously scheduled public hearing. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

PUBLIC HEARING - 6:45 PM
SITE PLAN REVIEW
185 EAST FAIRMOUNT AVE.

Harbor Freight Tools, Beverly Hills, California, has submitted an application for site plan review regarding their proposal to convert the former Crawford

Furniture Outlet, (20,365 sq. ft.) into a discount tool and equipment store. In accordance with Section #25-89, [Site Plan Review], of the Village of Lakewood Zoning Law, the development of 5,000 sq. ft. or more of commercial floor space requires site plan review.

Mayor Wordelmann opened the public hearing at 6:45 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper. He then asked if there is anyone present that would care to speak in favor or against this proposal.

Mr. Albert "Skid" Proctor, 120 Sunset Ave., said he in favor of the project. He added there are tools in their sales flier he would purchase, but he's not driving to California.

Ms. Laurie Schindler, representing Harbor Freight Tools from a real estate and construction aspect, said it is a privately owned company that is financially sound. She said they are coming to your community to stay and will improve and refresh the building and property at this location. Ms. Schindler said Harbor Freight Tools is for the do it yourself customers who don't want to pay a lot for tools. She said the store here in Lakewood will employ thirty to forty employees and it is a great company for the eighteen to twenty-four year olds, who opt not to attend college, to learn a trade.

Mayor Wordelmann asked Ms. Schindler what is the ratio between full-time employees and part-time employees.

Ms. Schindler said there likely will be three full time employees to start, one manager and two assistant managers. She said the part-time employees will average twenty to twenty-five hours per week.

Trustee Drago asked Ms. Schindler when does Harbor Freight Tools expect to open.

Ms. Schindler said with a six week "build-out" period, she is hopeful they will be able to open between Christmas and the New Year.

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Trustee Jablonski said in looking at the site plan and signage proposal it appears there are too many advertising signs on the building which doesn't comply with the local zoning law. He said there are a number of brand signs on the building in addition to the sign on the front of the building.

Mayor Wordelmann said the maximum number of signs allowed in that zoning district is two, typically one pylon or monument sign along the road plus a sign on the building front. Mayor Wordelmann indicated to Ms. Schindler Harbor Freight Tools may apply for an area/sign variance that would go before the Zoning Board of Appeals next month. He said the process wouldn't hold up their plans to remodel the building's interior.

Ms. Schindler said the graphics proposed for the front of the building are separate from the actual sign.

Mayor Wordelmann said with no one else to be heard concerning Harbor Freight Tools' site plan or building conversion plans he closed the public hearing at 6:55 PM and proceeded to reopen the regular meeting.

RESOLUTION #194-2014-2015 - APPROVE HARBOR FREIGHT TOOLS SITE PLAN

Motion by Trustee Barnes, seconded by Trustee Drago, for the Board of Trustees to approve Harbor Freight Tools' application for site plan review regarding their proposal to convert the former Crawford Furniture Outlet, 185 East Fairmount Ave. (20,365 sq. ft.), into a discount tool and equipment store.

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

REPORTS (CONTINUED)

Building Inspector Swanson said if this situation surfaces again, he believes any correspondence sent to a respective property owner should come from the Board of Trustees and the Village Attorney.

Mayor Wordelmann said in the future he would favor personal contact initially, with a possible follow-up letter.

Mrs. Jane Gesing, 103 Lakeview Ave., said she would like to voice her concerns about the condition of the vacant lot where the former Lakewood United Methodist Church once stood. She said the lot has become a dumping ground for an old car, a motorcycle, a sink and garbage. Mrs. Gesing said it is disgusting. Also, further east down the back alleyway, someone has dumped a lot of junk behind the residence at 22 East Summit Street, creating an unsightly mess.

Building Inspector Swanson said he has sent letters to the property owner regarding the vehicle, which last he knew was registered. He said because it is a vacant parcel without a dwelling, there are limits to the sections of the local zoning law that are enforceable in this case. Mr. Swanson told Mrs. Gesing he will be happy to take another look at the conditions she mentioned.

COMMITTEE REPORTS

Mr. Benjamin Blood, Trustee of the Lakewood Memorial Library, indicated the Library Board met recently to discuss the salary situation and Library Director Mary Miller will be compiling a salary report within the next couple of weeks to determine how their staff salaries compare with other similar sized libraries. Mr. Blood also reported that a special programs committee will be meeting to discuss a few new programs they would like to introduce such as a program for seniors and possibly a tutoring program as a way to make the library a bigger part of the community.

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Mayor Wordelmann said he is hopeful that before next year's budget process the library will be able to shed some light on their employee salaries. He said any increases in the library's budget request need to be justified.

Ms. Greta Smith, 227 West Summit Street, questioned why the Lakewood Memorial Library employs six people, while at the same time don't utilize volunteers to check-out and shelve books. She said it doesn't make sense. Ms. Smith said the library should be open more hours during a given week, noting they close

at 3:00 PM on Fridays and are not open any evening beyond 7:00 PM. Ms. Smith said North Harmony pays a \$17,500.00 annual subsidy to the Ashville Library while the Lakewood Library receives \$ 100,000.00, but is open fewer hours.

ANYONE TO BE HEARD

Mr. David G. Bargar, 11 Sunset Ave., asked Mayor Wordelmann if he could explain any relationship the Village of Lakewood has with the local Wal-Mart store with respect any monies paid for the police service/security provided by the Lakewood-Busti Police Department.

Mayor Wordelmann said the local Wal-Mart doesn't pay the Village of Lakewood for the police services provided by the Lakewood-Busti Police Department, other than what is remitted when paying their yearly village tax bill.

Mr. Bargar said it is a difficult spot for local taxpayers when the Lakewood-Busti Police Department spends as much time as it does at that location, suggesting that Wal-Mart should consider investing more money in their own security and loss prevention methods.

Mayor Wordelmann said he spent four years in asset protection for Quality Markets and typically the local store security force will conduct the investigation and then turn it over to the local law enforcement agency, who then makes the arrest. It then goes to the local court for prosecution.

Mr. Ted McCague, 12 Park Lane, asked Mayor Wordelmann and Chief Bentley if Wal-Mart has made any donations to the police department.

Chief Bentley indicated that in the past Wal-Mart has made modest donations to the police department and fire department, however it is his understanding that the process to apply for those type of grants through Wal-Mart's main office has become more difficult.

Trustee Jablonski asked Village Treasurer Andrea J. Windoft if she could look into how much the local Wal-Mart pays in annual taxes to the various taxing entities.

Mayor Wordelmann said the local Wal-Mart has qualified for reduced assessments over ten year periods when making renovations or expanding the store. Mayor Wordelmann said having a Wal-Mart in one's community is a double edge sword. It is his opinion that if the local Wal-Mart hadn't expanded into Super Wal-Mart, the Chautauqua Mall would have been in financial trouble. Instead, with a Wal-Mart next door the Chautauqua Mall completed an interior remodel. He believes the combined investments by Wal-Mart and the Chautauqua Mall triggered other commercial development in the immediate area.

Trustee Di Salvo asked what is the Wal-Mart costing us, as a small municipality and how does big box store development impact small businesses.

Mr. McCague, Chairman of the Comprehensive Plan Steering Committee, said the committee is looking at Rt. 394 as a whole and what it means to the local community. He suggested that the Village of Lakewood should one day consider having an economic feasibility study done on Rt. 394.

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Mayor Wordelmann indicated his latest figures reveal that approximately 40% of the village taxes are paid by businesses within the commercial corridor along Rt. 394. These businesses are subsidizing Lakewood's tax base, but it comes at a cost.

The discussion switched to police services, local and county-wide, ranging from response times, manpower, assisting other agencies, police service agreements, prioritizing call, number of agencies, budget cuts, number of sheriff patrol cars on duty and consolidation.

Mr. Bargar said the residents of Lakewood couldn't be more fortunate than to have the Lakewood-Busti Police Department and the Lakewood Volunteer Fire Department serving the community but asked whether or not these services should be run more like businesses. Mr. Bargar said we need to ask questions and work hard to protect the interests we have. Mr. Bargar also noted that some of the calls the Emergency Medical Service (EMS) personnel respond to are bogus and wondered if there were charge backs in place would the number of those type of calls decrease.

Speaking of charge backs, Village Attorney Wright asked Chautauqua County Legislator P.J. Wendel, if there has ever been any conversations within the county's public safety committee or the legislature to initiate charge backs when police services are rendered to entities that don't have their own law enforcement agency or when assisting other police agencies.

Legislator Wendel said it is something the legislature could look into. He said townships are obligated to provide some form of police service to its residents. If townships don't have their own law enforcement agency they would have to enter into an agreement with one to provide that service.

Dr. Jonathan Blasius, 19 Owana Way, appeared before Mayor Wordelmann and the Board of Trustees to discuss section #22-5 (C) of Chapter 22, [Vehicle & Traffic], of the Village Code which limits parking on village streets from midnight to 7:00 AM between Nov. 1st and March 31st each year. Dr. Blasius said it is his opinion that this ordinance could have an impact on some of the businesses along Chautauqua Ave. Dr. Blasius asked that the police department use discretion when issuing parking tickets, in particular when it isn't snowing.

Police Chief Bentley said prior to any snow fall his officers are instructed to issue warnings as reminders to residents of the winter parking ban on village streets.

Dr. Blasius indicated that the public parking area behind the village hall gets crowded, especially when the snow starts piling up and questioned why out-of-state commercial vehicles were allowed to park there.

Mayor Wordelmann indicated to Dr. Blasius we'll look into it.

RESOLUTION #195-2014-2015 - AUTHORIZE COST OVERRIDE - SIDEWALK & CURBING PROJECT

Motion by Trustee Jablonski, seconded by Trustee Drago, authorizing the cost override of \$ 1,352.25, associated with the sidewalk and curbing project on Mall Blvd. NOTE: The bid from R. Patti Excavating & Concrete, Jamestown, N.Y., totaled \$ 46,825.00 plus sub-contracting out the retaining wall at a cost of \$15,500.00 for a total of \$ 62,325.00 while the invoice totaled \$

63,677.25. The extra costs were attributed to a miscalculation of the total lineal feet of curbing, cost of the handicapped access matting on the sidewalk and the metal screening which was added to the section of sidewalk near the intersection of Mall Blvd. and Rt. 394.

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

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RESOLUTION #196-2014-2015 - AUTHORIZE REQUEST FOR QUOTES

Motion by Trustee Jablonski, seconded by Trustee Drago, authorizing Building Inspector Jeffrey A. Swanson to request quotes to raze the unsafe/dilapidated structures at 8 Olive Ave., (Parcel #368.20-4-56), and remove any and all hazardous and non-hazardous construction & demolition material from the site for proper disposal.

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

Motion by Trustee Jablonski, seconded by Trustee Barnes, and unanimously carried, the Board adjourned at 7:42 PM.

Joseph M. Johnson
Village Clerk