

FEBRUARY 11, 2013

The twenty-second regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, February 11, 2013 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Susan F. Drago, John Jablonski and Joseph M. Troche. 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 Charles L. Smith. Absent was Trustee Gale A. Denn.

APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held January 28, 2013.

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

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Jablonski that the claims as audited by the Auditing Committee of the abstracts dated February 11, 2013 be approved and that the Clerk shall execute said abstracts (#37 & #38) and direct payment by the Treasurer. General Fund: \$ 40,278.76, (Checks #9341 thru #9379), Trust & Agency Fund: \$ 54,665.97, (Checks #2377 thru #2389)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that he is within budget with respect to ice control salt. When it isn't snowing, in addition to doing regular maintenance at the garage, the D.P.W. crew has refurbished a dump truck box and a spare plow wing. Mr. Pilling also reported that he is planning to include a 50 ft. x 60 ft. pole barn type addition onto the original D.P.W. garage in next year's budget request. Mr. Pilling said he is hopeful to have a breakdown of costs for the proposed addition to submit along with the estimated Street Department budget for the upcoming fiscal year.

Police Chief John R. Bentley submitted the Lakewood-Busti Police Department's annual report for 2012 to Mayor David T. Wordelmann and the Board of Trustees. Chief Bentley also reported that the Lakewood-Busti Police Department has answered one thousand two hundred seventy-two reportable incidents year-to-date and that things are real steady with routine law enforcement activities.

Mayor Wordelmann asked Police Chief Bentley about the bids received last Friday for a marked police car and an unmarked police sport utility vehicle (Dodge Durango) and wondered about the need for a new sport utility vehicle. Chief Bentley said he would like to rotate out Sgt./Investigator Gustafson's vehicle, (L-5) which will have over 100,000 miles on it by June 2013. If the vehicle purchases are approved Chief Bentley said the new sport utility vehicle would be in service for a minimum of six years. The other vehicle that will be replaced is (L-2), a 2010 Ford Crown Victoria that has 175,000 to 180,000 miles on it.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to ninety alarms year-to-date. Chief Hallberg indicated that the fire department is considering selling their older manual cot and some used/ surplus air packs.

FEBRUARY 11, 2013 (CONTINUED)

Building Inspector Charles L. Smith reported that he entered into an agreement with Mr. Peter Radka, P.E., of Rock Hill Engineering, Panama, N.Y., to conduct an inspection of the vacant residential building at 17 East Third Street to determine if it was structurally safe.

Mr. Smith indicated that Mr. Radka's engineering report revealed that the building is structurally unsafe for occupancy and without the necessary repairs its roof will likely be in a structurally unsafe condition within a year.

COMMITTEE REPORTS

Trustee Jablonski indicated that he attended the Inter-Municipal Committee (IMC) meeting a few days ago at which Mr. Donald McCord of the Chautauqua County Department of Planning and Economic Development presented a draft of measures on storm water management, sediment control and erosion control regulations that could be included in our local zoning law. He also presented a draft for a model site plan law. Trustee Jablonski asked the Village Clerk to distribute copies to the Board of Trustees, the Planning Board, Building Inspector and Village Attorney. Trustee Jablonski said if anyone is interested there is a meeting tomorrow at 5:00 PM, whereat County Legislator Fred Croscut will meet with the IMC (Inter-Municipal Committee) at the Town of North Harmony Community Center.

Trustee Troche indicated that he and Trustee Drago were recently appointed by Mayor Wordelmann to represent the Village of Lakewood on preliminary negotiations with the Town of Busti with respect to a new police services contract/agreement between the two municipalities.

Trustee Troche noted it has been reported by The Post-Journal that Town Supervisor Jesse Robbins is toying with the idea of taking this matter to a vote by Town of Busti residents. It makes no sense to start negotiations with Town of Busti officials on a police services agreement prior to a vote by township residents to decide whether or not to continue police service with the Lakewood-Busti Police Department. Trustee Troche went on to say, because the current police services contract ends at the end of 2013, if Supervisor Robbins intends to conduct a vote it better be done sooner rather than later.

Mayor Wordelmann indicated he recently talked with Town of Busti Councilman Richard Thor, who is a member of the township's negotiating team with respect to the police services contract agreement. Mr. Thor noted the Town of Busti is looking at all their options and would welcome the chance to take another look at the offer being proposed by the Village of Lakewood.

RECESS

Motion by Trustee Troche, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.
Adopted: 3 ayes, no nays (Drago, Jablonski, Troche)

FEBRUARY 11, 2013 (CONTINUED)

PUBLIC HEARING – 6:45 PM
SPECIAL USE PERMIT – VEHICLE SALES
266 EAST FAIRMOUNT AVE.

Mr. Daniel R. Johnson, 57 Woodworth Ave., Jamestown, New York, has submitted an application for a Special Use Permit regarding a proposal to establish a used car sales lot and office at 266 East Fairmount Ave., corner of Elmcrest Ave. In accordance with Section #25-14 (C-10), [Highway Business (B-2) District] of the Village of Lakewood Zoning Law, the establishment of a vehicle sales lot in a B-2, Highway Business District requires a Special Use Permit.

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.

Mr. Dennis Anderson, 253 Elmcrest Ave., indicated to Mayor Wordelmann and the Board of Trustees that he has lived on Elmcrest Ave. for the past forty-three years. Since Rt. 394 was reconstructed, which prompted new commercial development it has been a nightmare trying to get out onto the road from Elmcrest Ave. Mr. Anderson said since the construction of the KFC/Taco Bell restaurant on the corner of Elmcrest Ave. and Rt. 394 it has gotten worse. All the traffic along Rt. 394 gets channeled right at the end of Elmcrest Ave.

Mr. Anderson said he doesn't have a problem with Mr. Johnson's proposal. What he does have a problem is every time residents from Elmcrest Ave. attend a meeting of the Board of Trustees and complain about traffic you fail to hear us.

Mayor Wordelmann interjected saying, we as members of the Board of Trustees do indeed hear the concerns of residents and do everything we can within the law, but sometimes we are handcuffed. Mayor Wordelmann indicated because Rt. 394 is a state highway, the Village of Lakewood has very little say in the design of traffic patterns.

Mr. Anderson asked what can the residents of Elmcrest Ave. do to fight the traffic along Rt. 394 that faces us every single day of our lives. There are times during a given day when it is impossible to turn left.

Trustee Troche agreed with Mr. Anderson saying it can be a problem getting into the flow of traffic along Rt. 394, a problem that will likely only get worse.

Police Chief Bentley indicated he is member of the Chautauqua County Safety Committee and if Mr. Anderson or his neighbors have any ideas as to how to improve the traffic flow in that area of Rt. 394, he would be happy to pass them onto the New York State Department of Transportation for their consideration.

Mr. Jim Smith, 241 Elmcrest Ave., said he decided to attend tonight's public hearing to better understand what is being planned for 266 East Fairmount Ave. but really doesn't have a problem with what Mr. Johnson is proposing. For the amount of traffic Mr. Johnson expects, it shouldn't be an issue.

Mrs. Laura Smith, 241 Elmcrest Ave, said she hopes Mr. Johnson's proposed business is successful, but if it were to fail, what would happen to the property.

FEBRUARY 11, 2013 (CONTINUED)

Mr. Daniel R. Johnson, indicated to Mayor Wordelmann and the Board of Trustees that his timing in applying for a Special Use Permit involving vehicle sales is poor, coming on the heels of the Mr. Larry Spacciapolli's proposal. Mr. Johnson said he is not proposing a traditional used car dealership with a large inventory. Instead he is planning a low overhead specialty used car business where a customer would pick out a particular make and model and he would do his best to find that particular vehicle for his customer. Because of the type of car business he is proposing Mr. Johnson said he doesn't expect a lot of traffic. Mr. Johnson said he noted five parking spaces on the application but is hopeful he won't make use of any. Because the lot is so small there wouldn't be any room for more than five parking spaces.

Trustee Jablonski asked Mr. Johnson if he has a specific parking plan for the proposed business.

Mr. Johnson indicated that the only room for the off street parking spaces is at the back of the property.

Trustee Troche disagreed with Mr. Johnson's statement that his proposed business won't create any additional traffic, because it will. Any additional traffic will only make the situation at that intersection worse. Trustee Troche indicated to Mr. Johnson that he is not a lover of used car lots.

Mayor Wordelmann indicated that he did some research of the Village of Lakewood Zoning Law regarding this particular special use permit application and came with a number of questions, most of which will be directed to Building Inspector Charles L. Smith. Some of the subjects of Mayor Wordelmann's questions dealt with set-backs, open space, business entrances on residential streets, substandard lots, business fronts/entrances and parking requirements.

Mr. Johnson indicated that the rules and regulations as prescribed by the New York State Department of Motor Vehicles with respect to dealerships require a certain number of parking spaces.

Mayor Wordelmann said his biggest issue regarding Mr. Johnson's proposal is the condition of the building. The Village of Lakewood has had a history of where dilapidated buildings have been allowed to exist long after they should have been repaired or razed. Mayor Wordelmann indicated his fear is if Mr. Johnson's business doesn't go well, the Village of Lakewood will have a bigger mess on its hands.

Mr. Johnson agreed with Mayor Wordelmann's assessment of the house, that it is definitely in poor condition and it looks bad. Mr. Johnson then said if the issuance a Special Use Permit for his proposed used car business hinges on razing the house then he would be happy to oblige adding it is in everyone's best interest to do so. Mr. Johnson said once the house is torn down he would like to side the garage and convert it into an office.

Trustee Drago indicated by Mr. Johnson's own admission the property is in a deplorable condition and needs to be cleaned-up.

Trustee Troche said he still has an issue with added traffic that the business will generate. Also it is his opinion that car lots are ugly and the fact that the Board of Trustees needs to protect the adjacent residential neighbor hood.

Mr. Johnson indicated that 266 East Fairmount Ave. is commercially zoned and he believes the business he is proposing will have less of an impact than some other business might have. Mr. Johnson said he will do whatever he needs to do to comply with the local zoning law.

FEBRUARY 11, 2013 (CONTINUED)

Village Attorney Wright indicated if Mr. Johnson is going to make significant changes to his plans it is his opinion that he will have to resubmit his proposal to the Planning Board.

Mayor Worelmann suggested that he and Mr. Johnson meet to review and discuss his revised plans prior to resubmitting them for formal approval.

Mr. Anderson said Mr. Johnson shouldn't have to spend his life savings to reach his goal to establish a small car dealership at 266 East Fairmount Ave. Mr. Anderson said of the number of businesses that could be established at this address, Mr. Johnson's proposal seems as if it will have the least impact on the surrounding neighborhood.

Motion by Trustee Troche, seconded by Trustee Drago, to close the public hearing at 7:21 PM, and to reopen the regular meeting.

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

RESOLUTION #91-2012-2013 – TABLE ACTION ON SPECIAL USE PERMIT APPLICATION

Motion by Trustee Troche, seconded by Trustee Jablonski, for the Board of Trustees to table any action on Mr. Daniel R. Johnson's application for a Special Use Permit [Vehicle Sales] regarding his proposal to establish a used car dealership at 266 East Fairmount Ave. until a new application and revised site plan is submitted.

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

RESOLUTION #92-2012-2013 – ACCEPT RESIGNATION

Motion by Trustee Troche, seconded by Trustee Drago, for the Board of Trustees to accept the resignation of part-time Police Officer Michael R. Morganti, effective February 15, 2013. Mr. Morganti, who has worked as a part-time Police Officer for the Lakewood-Busti Police Department since July 13, 2011, has accepted a full-time position with the Jamestown Police Department.

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

RESOLUTION #93-2012-2013 – AUTHORIZE INTERVIEWS & HIRING

Motion by Trustee Drago, seconded by Trustee Troche, authorizing Police Chief John R. Bentley to conduct interviews of prospective part-time Police Officer candidates and to make a recommendation to hire one of the candidates at a starting hourly wage of \$ 16.49.

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

RESOLUTION #94-2012-2013 – AUTHORIZE TRAINING SEMINAR ATTENDANCE

Motion by Trustee Troche, seconded by Trustee Drago, that the Board of Trustees, acting as the Board of Fire Commissioners, to authorize Lakewood Fire Department members Ms. Sharoyne Ruby, Ms. Laura Gilbert and Ms. Brandi Collum to attend the 7th annual Southern Tier Emergency Medical System (STEMS) training seminar March 22nd and March 23rd in Olean, N.Y. per the request of Fire Chief Kurt W. Hallberg. The Lakewood Fire Department members will be reimbursed for any and all legal expenses.

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

FEBRUARY 11, 2013 (CONTINUED)

RESOLUTION #95-2012-2013 – AWARD BIDS FOR NEW POLICE VEHICLES

Motion by Trustee Drago, seconded by Trustee Troche, per the recommendation of Police Chief John R. Bentley, for the Village of Lakewood to accept/award the lone bids as submitted by Lake County Dodge, Jamestown, N.Y., for a 2013 Dodge Charger Pursuit (marked) patrol car, (\$ 25,875.00), and a 2013 Dodge Durango (unmarked) sport utility vehicle, (\$ 25,990.000).

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

TRUSTEE REPORT

Trustee Jablonski reminded everyone that tomorrow evening there is a meeting of the Inter-Municipal Committee, 5:00 PM, at the North Harmony Community Center, at which Chautauqua County Legislator Fred Crocut will be discussing incentives to undertake watershed projects while at the same time working closely with the Chautauqua Lake Management Commission, (C.L.M.C.). The goal is give the C.L.M.C. the authority to fund and oversee certain watershed projects. Trustee Jablonski encouraged members of the Board of Trustees to attend if they can.

Motion by Trustee Troche, seconded by Trustee Drago, and unanimously carried, the Board adjourned at 7:31 PM.

Joseph M. Johnson
Village Clerk