

AUGUST 12, 2013

The ninth regular meeting of the Board of Trustees of the Village of Lakewood, NY was held Monday, August 12, 2013 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, 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 Charles L. Smith.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Di Salvo, to approve the minutes of the last regular meeting of the Board of Trustees, held July 22, 2013.

Adopted: 4 ayes, no nays (Denn, 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 August 12, 2013, be approved and that the Clerk shall execute said abstracts (#8, #9 & #10) and direct payment by the Treasurer contingent upon the pending transfer of \$1,000.00 from the History Committee's Trust & Agency account in connection with the planned donation to the World War II Honor Roll fund and to note that an invoice from Tifco Industries in the amount of \$ 115.44, was unsigned by the respective department head. Trust & Agency Fund: \$ 57,056.09, (Checks #2555 thru #2587), Trust & Agency Fund: \$ 59,704.04, (Checks #2588 thru #2609), General Fund: \$44,057.10, (Checks #9895 thru #9946)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the milling of Spruce Street and Linwood Ave. has been completed and the two streets will be surface treated and paved within a few weeks. Mr. Pilling also reported that other scheduled road work will commence soon and work to replace approximately 400 feet of sidewalk on West Third Street has begun.

Trustee Di Salvo commended Mr. Pilling and the Department of Public Works crew for the nice job they did in removing the dead tree at Richard O. Hartley Park and asked if the plaque that was under the tree was going to be utilized.

Mr. Pilling indicated the plaque has been set aside and that Mr. Richard Rose, Chairman of the Tree Committee, is considering planting a new tree whereat it would be reset.

Trustee Jablonski indicated that a mailing should have gone out to the residents of the Village of Lakewood explaining the rules and regulations of the monthly brush pick-up.

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Mayor Wordelmann indicated he intended to draw up some rules and regulations with respect to the monthly brush pick-up, however because there are only two more months remaining in the brush schedule thought a bulk mailing at this time would not have been cost effective. Mayor Wordelmann said he would prefer to prepare a bulk mailing later in the year containing both the brush pick-up rules and the garbage collection and recycling schedule for 2014.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to six thousand three hundred seven reportable incidents. Chief Bentley said per the agenda he would like the Board of Trustees' permission to go forward and hire a new part-time police officer.

Chief Bentley also informed Mayor Wordelmann and the Board of Trustees that he has applied for a grant in connection with establishing a canine unit at the Lakewood-Busti Police Department. The \$60,000.00 grant would cover any and all expenses associated with the canine unit. If there are no objections Chief Bentley said he would like to continue to pursue the grant. Chief Bentley indicated that in addition to the initial \$ 60,000.00 grant, the Lakewood-Busti Police Department would receive \$20,000.00 annually over a three year period to fund continued training and related equipment purchases.

Trustee Denn asked Chief Bentley if the canine officer would be a full time officer.

Chief Bentley indicated that the officer in charge of the canine unit would indeed be a full-time officer, and that two full-time officers have expressed an interest in the program.

Chief Bentley also reported that an officer from the Lakewood-Busti Police Department will be conducting a child safety seat inspection at the Busti Hamlet Committee's Community Day, Saturday, August 17, 2013, between 10:00 AM – 2:00 PM. The program is being funded through a 2012 grant.

Mrs. Marion Gibbon, 92 West Summit Street, asked Chief Bentley what happens when the three year grant expires.

Chief Bentley indicated to Mrs. Gibbon that if the grant is awarded to the Lakewood-Busti Police Department, at the end of the three years, a dog food company has agreed to provide free food for the canine and a local veterinarian will provide the dog's medical care at no cost to the Village of Lakewood.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to four hundred sixty-nine alarms year-to-date and that Lakewood Fire Department will be participating in Lakewood Kid's Day this Saturday, with at least one vehicle on site. Chief Hallberg also reported that E-371, the 1990 American LaFrance pumping engine will be out of service for about a week with a fuel tank concern.

Village Treasurer Andrea J. Windoft reported that this morning the Auditing Committee, comprised of Trustee Drago and Trustee Di Salvo, conducted its annual audit of the Village of Lakewood's financial reports and records and found everything in order. Village Treasurer Windoft also reported that the State Comptroller's Office has provided the Village of Lakewood with an estimate of employer contributions for the State fiscal year 2013-2014, payable in December 2013. Unfortunately the figure is approximately \$23,000.00 higher than what was budgeted. Village Treasurer Windoft also asked members of the Board of Trustees if they would reach a consensus on what to do with the former sewer treatment plant building as it relates to the development of the dog park on the site. Mrs. Windoft indicated that she has received some fencing quotes but doesn't want to go forward until a decision on the former sewer plant building is made. She added there had been talk of razing the structure.

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Mayor Wordelmann asked Mr. Pilling if the demolition of the former sewer treatment plant building could be done by the Department of Public Works.

Mr. Pilling said with manpower and equipment assistance from the Town of Busti the D.P.W. should be able to demolish the building.

Village Treasurer Windoft then indicated that she received a letter from the South & Center Chautauqua Lake Sewer Districts stating that they have no objection if the fencing around the proposed dog park were to be connected to the existing chain link fence surrounding their pump station on Fairdale Ave. By connecting the dog park enclosure to their existing fence would save on the purchase of sixty lineal feet of fencing.

Mayor Wordelmann thanked Village Treasurer Windoft for spearheading the dog park project.

Building Inspector Charles L. Smith reported that per Trustee Di Salvo's request, he put together a list of active zoning and property maintenance violations and distributed it to Mayor Wordelmann and members of the Board of Trustees. Mr. Smith reported that the single family residence at 10 Canal Street was recently razed by new property owners who plan on rebuilding a small home on the site once it is completely cleared off. Mr. Smith also reported that Kay Jewelers recently completed a remodel of the Chautauqua Mall store and were expected to reopen for business this past weekend.

Building Inspector Smith then reported that most of the work to clear the lot at 215 Elmcrest Ave. has been completed. He said you may recall the house at that address burned earlier this spring and was subsequently razed. On July 24th the construction and demolition material was loaded and hauled to the Chautauqua County Landfill by equipment and manpower supplied by the Town of Busti, Town of North Harmony and Town of Kiantone. Mr. Smith indicated in 2012 the Chautauqua County Legislature adopted a resolution which annually allows county municipalities to dispose of 80 tons of construction and demolition material at the county landfill free of charge. It is his understanding if the tonnage disposed of exceeds the 80 ton allotment, then another municipality can agree to forfeit a portion of their tonnage to the Village of Lakewood which in this case could offset the remaining balance due of \$794.96. Total Bill: \$ 3,474.96 less the 80 ton credit at \$ 33.50/ton, (\$2,680.00) = \$ 794.96 or 23.73 tons.

Trustee Jablonski asked Building Inspector Smith if Mr. Larry Spacc has received written notice from the Board of Trustees or the Office of the Building Inspector that he is in violation of the zoning law for not developing the site as proposed.

Building Inspector Smith indicated to Trustee Jablonski that he hasn't notified Mr. Spacc in writing and was under the impression Mayor Wordelmann was going to contact Mr. Spacc to set up a meeting to discuss the matter.

Mayor Wordelmann indicated because he hadn't heard from Mr. Spacc, instructed Building Inspector Smith to send Mr. Spacc a Notice of Violation.

Trustee Di Salvo thanked Building Inspector Smith for the list of active violations but questioned if this was a complete listing of properties that have been cited for zoning and/or property maintenance violations. Trustee Di Salvo noted the list did not include several properties previously cited by the Building Inspector.

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Building Inspector Smith indicated some of the property owners cited did not respond and considered those particular violations as expired without resolution.

Trustee Di Salvo indicated that he had a conversation with the Village Administrator from Springville, N.Y., and said they are having similar problems with distressed properties, which was the subject of an article in the Buffalo News on July 18th. Trustee Di Salvo indicated that the Village of Springville put together a task force which came up with a process to address one hundred twenty-eight distressed properties categorized by unpaid taxes, vacancy, maintenance issues and hoarding. The task force then prioritized the distressed properties and proceeded to publish the names of the property owners cited and the particular violation. Trustee Di Salvo indicated the task force tries first to work with the property owners in an effort to get their properties into compliance. Trustee Di Salvo indicated the road to compliance becomes more of a challenge when the property owners reside out of town or out of state.

Trustee Di Salvo said with Mayor Wordelmann's permission he would like to arrange a time when the Village Administrator and possibly the Mayor from Springville could attend a future work session to speak about how their administration is dealing with distressed properties.

Mayor Wordelmann indicated to Trustee Di Salvo that he would have no problem with him inviting officials from the Village of Springville to attend a future work session.

Building Inspector Smith indicated the former Beechwood restaurant property was cited for property maintenance issues and asked the question how much does the Village of Lakewood wish to invest to get someone to mow their lawn.

Trustee Di Salvo agreed with Mr. Smith saying the Village of Lakewood must weigh what they will receive in return when requesting compliance. Some of the return on certain properties would be pretty substantial for example the former church property on Ohio Ave., which has a negative impact on the whole street.

Mrs. Marion Gibbon, 92 West Summit Street, indicated it is very depressing when entering the Village of Lakewood from the east end to see the condition of the former Beechwood restaurant property.

Building Inspector Smith said although the property doesn't look very appealing the building is structurally sound with a relatively new roof and that the previous owner completely remodeled the building's interior. Mr. Smith added the property is currently for sale and he is hopeful the right person will come along to reopen it as a restaurant.

COMMITTEE REPORTS

Trustee Drago indicated as was previously reported by Village Treasurer Windoft, she and Trustee Di Salvo met earlier today and audited the Village of Lakewood's financial records for the fiscal year ending May 31, 2013, and found them in order. Trustee Drago then thanked Village Treasurer Windoft for all the work she does in managing the village's financial records.

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Mayor Wordelmann reported that the Zoning Law Review Committee met for the first time last Monday and basically reviewed the goals of the committee which includes the review of the current zoning moratoria, (storage structures, electronic signs, vehicle sales and adult novelty stores), site plan review and erosion and sediment control proposals drafted and introduced by the Inter-Municipal Committee, rewording of some of the zoning law, consider a noise ordinance, look into weekly vacation rentals, food trucks, fees and fines schedule, consider zoning map amendments, self-storage units, property maintenance enforcement, recreation vehicle storage and signs. Mayor Wordelmann indicated the next meeting of the Zoning Law Review Committee, scheduled for Monday, August 19th will concentrate on amendments to Section #25-50, [Signs].

Trustee Di Salvo said one thing the sub-committee would like the Zoning Law Review Committee to consider would be the establishment of a special historic district along the Chautauqua Ave. corridor. Trustee Di Salvo indicated that he recently spoke with Bill Evans, Chairman of the Local Community Development Committee, (LCDC) who would like to reactivate the committee. Trustee Di Salvo said he and Mr. Evans would like to see certain design standards set for properties along Chautauqua Ave. Trustee Di Salvo asked if that subject could be added to the Zoning Law Review Committee's agenda.

ANYONE TO BE HEARD

Mrs. Marion Gibbon, 92 West Summit Street, wished to invite everyone to the Busti Hamlet Committee's Community Day and chicken barbeque this Saturday. Anyone interested in a ticket may contact her.

Mr. Richard Turner, 105 East Terrace Ave., indicated to Mayor Wordelmann and the Board of Trustees that he appeared before them two months ago imploring them to adopt a storm water management and erosion and sediment control program for the Village of Lakewood. Mr. Turner said he is here this evening to see what the posture of the Board of Trustees is with respect to adopting such a program. Mr. Turner asked Mayor Wordelmann if there are any problems with endorsing the program as it is written.

Mayor Wordelmann indicated to Mr. Turner that he has some reservations about certain parts of the program as it relates to the future development of the Village of Lakewood.

Mr. Turner told Mayor Wordelmann that right now the Village of Lakewood isn't doing anything in seeing that erosion and sedimentation is being reduced. This past year there were three homes built on lakefront property within the Village of Lakewood and it didn't appear any of the housing projects exhibited any measures to control sedimentation, adding there weren't even any silt fences placed around the project sites. Mr. Turner indicated that there are two home construction projects within a few blocks of his home that are not making use of silt fences. If there is a hard rain, top soil on those sites flows right into the lake. Mr. Turner said "we" have a problem and "we" are not doing what "we" need to do. Mr. Turner then approached Mayor Wordelmann and the Board of Trustees with two jars of water, one was from Keuka Lake (which was crystal clear) and the other was a sample of water taken from in front of his house, (which was light green in color). "We" are not applying the laws that are available to combat the problem of erosion and sedimentation occurring within the Chautauqua Lake Watershed. Mr. Turner said the Town of Chautauqua has adopted the storm water management program and the Village of Bemus Point the Town of Ellery and the Town of North Harmony are currently considering it. Mr. Turner said he has spoken with Town of Busti Supervisor Jesse Robbins who has opted not to do anything until he sees what the Village of Lakewood does. "We" are behind the times and "we" are not taking action on matters to take care of our lake. Furthermore, if "we" don't take any action, "we" are not exhibiting the initiative. To properly take care of the lake "we" are going to need outside help and outside funding.

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Mr. Turner said he has been involved with building construction in the state of Pennsylvania and building permits are not issued until the developer has filed an approved storm water management plan. Mr. Turner went on to say that a couple months ago he heard comments that implied such a plan could hinder future development. Mr. Turner said there is no one more pro-business than he is. The cost to implement a storm water management plan is minimal. "We" need to show some leadership and move forward by any means necessary to curb the sedimentation problem within the lake's watershed. There is a lot of high value property along the lakefront which generates a lot of taxes. Mr. Turner said passing a storm water management law isn't in itself going to solve the problem but it is a first step. Mr. Turner said by taking this first step it will show an initiative to the agencies at the state and federal levels that could provide the necessary funding to get the job done. Mr. Turner said every municipality within the Chautauqua Lake watershed needs to adopt the storm water management law.

Mayor Wordelmann thanked Mr. Turner for his comments but said the three housing projects in the Village of Lakewood this past year didn't make the lake green. Mayor Wordelmann said adopting the draft storm water management plan isn't going to change this to that, pointing to the two jars of water in front of him.

Mr. Turner asked, then should "we" do nothing.

Mayor Wordelmann said he isn't implying that but rather do things responsibly by studying the issue before "we" act. If one acts prior to studying the issue, a law could be in place that might be detrimental to development. Mayor Wordelmann reminded Mr. Turner his village tax bill is lower than what it could be thanks to the commercial corridor along East Fairmount Ave. which pay approximately 30% of village taxes collected.

Mr. Turner indicated when Wegmans and K-Mart built their plaza, to comply with the storm water management plan they had to construct a large storm water retention area. Abiding to a storm water management plan didn't stop them from building. The cost in doing the right thing isn't going to stop someone going forward with a development.

Mayor Wordelmann wanted to make it clear that he is not saying the Village of Lakewood isn't going to adopt the storm water management plan, but rather the plan needs to be reviewed in detail first.

Mr. Turner urged the Board of Trustees to move forward on this important issue and to review the document expeditiously and to schedule a public hearing at which any concerns about the storm water management plan could be discussed.

Mayor Wordelmann assured Mr. Turner and everyone else in attendance that indeed a public hearing on the subject will be conducted.

Mr. Chris Bohn, 223 Locust Street, appeared before Mayor Wordelmann and the Board of Trustees to ask permission to close off a section of Locust Street, between West Fairmount Ave. and Mapleview Ave., Saturday, September 21st, from 2:00 – 6:00 PM, for the purpose of holding a neighborhood "block-party". Mr. Bohn said the rain date will be Sunday, September 22nd.

District 18 Chautauqua County Legislator P.J. Wendel appeared before Mayor Wordelmann and the Board of Trustees saying due to the reforming of legislative districts, after the November 2013 elections, he will be representing voters of District 10.

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He reminded everyone to check their voter registration cards that they recently received because some polling places have changed. Legislator Wendel indicated the sale of the Chautauqua County Nursing Home is in the news again and reiterated his position that Chautauqua County should sell the facility.

Mr. Randy Ridgeway, 323.5 East Terrace Ave., asked Mayor Wordelmann about setting up a meeting to discuss the status of the neighboring property at 321.5 East Terrace Ave. Mr. Ridgeway shared some photographs of 321.5 East Terrace Ave. which reveal that there wasn't a front porch or the "footprint" of one on the lakeside end of the residence. Mr. Ridgeway said if these photos help us to move forward on this issue he is ready to do so.

Mayor Wordelmann asked Mr. Ridgeway to see him after tonight's meeting to set a time when he and the owner of 321.5 East Terrace Ave. can sit down and discuss this matter.

Trustee Jablonski asked Mayor Wordelmann who are the remaining members of Zoning Law Review Committee chosen by the respective Chairmen of the Planning Board and Zoning Board of Appeals.

Mayor Wordelmann said rounding out the Zoning Law Review Committee is Zoning Board of Appeals member Myra V. Blasius and Deputy Chairman of the Planning Board Herbert Hern.

RESOLUTION #59-2013-2014 – AUTHORIZE DONATION

Motion by Trustee Denn, seconded by Trustee Drago, authorizing the donation of \$ 1,000.00 to the Lakewood American Legion Post #1286 from donations received by the History Museum, to help finance the construction and installation of a replica of the World War II Honor Roll. NOTE: The Lakewood American Legion Post #1286 is receiving and managing all donations for this very worthwhile project. Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #60-2013-2014 – ACCEPT RESIGNATION & AUTHORIZE HIRING

Motion by Trustee Denn, seconded by Trustee Drago, for the Board of Trustees to accept the resignation of part-time Police Officer Douglas P. Goodwin, effective August 3, 2013 and to authorize Police Chief John R. Bentley to conduct interviews and hire a part-time Police Officer to fill the vacant position created by Officer Goodwin's resignation. Officer Goodwin had worked as a part-time Police Officer for the Lakewood-Busti Police Department on and off since November 17, 1999. Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #61-2013-2014 – SET DATE & TIMES FOR PUBLIC HEARINGS

Motion by Trustee Denn, seconded by Trustee Drago, per the recommendation of Mayor Wordelmann to set 6:45 PM, Monday, August 26, 2013, as the time and date to conduct a public hearing to review a Special Use Permit – (Fence-6 ft.) application as submitted by Ms. Jill Piazza, 11 Roxa Ave., and to set 6:50 PM, Monday, August 26, 2013, as the time and date to conduct a public hearing to review a Special Use Permit – (Fence-6 ft.) application as submitted by Mr. John R. Churchill, 90 East Terrace Ave. Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

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RESOLUTION #62-2013-2014 – APPROVE ROAD CLOSING

Motion by Trustee Denn, seconded by Trustee Jablonski, to approve the closing of Locust Street, from Rt. 394 (W. Fairmount Ave.) south to Mapleview Ave., for a neighborhood block party to be held from 2:00 PM – 6:00 PM, Saturday, September 21, 2013, with a rain date of Sunday, September 22, 2013.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

Motion by Trustee Denn, seconded by Trustee Drago, and unanimously carried the Board adjourned at 7:28 PM.

Joseph M. Johnson
Village Clerk