

MAY 12, 2014

The third regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, May 12, 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, 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 Drago, seconded by Trustee Di Salvo, to approve the minutes of the last regular meeting of the Board of Trustees, held April 28, 2014.
Adopted: 4 ayes, no nays (Di Salvo, Drago, Jablonski)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated May 12, 2014, be approved and that the Clerk shall execute said abstracts (#51 & #52) and direct payment by the Treasurer. Trust and Agency Fund: \$ 49,430.80 (Checks #2904 thru #2921) General Fund: \$ 51,921.19 (Checks #10624 thru #10672)
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that repairs to the gazebo in Richard O. Hartley Park have been completed and a new slide and swing set have been installed at the park. Mr. Pilling also reported that the replica of the World War II Honor Roll is expected to be installed later in the week. Mr. Pilling concluded his report by saying he has been informed by the New York State Department of Environmental Conservation that the baseball field project off Linwood Ave. has met their approval and can move forward as soon as the timeframe for public comment on the project has expired.

Trustee Di Salvo asked Mr. Pilling if he could take a look at the concrete culvert which runs along the easterly edge of Richard O. Hartley Park to make sure it is free of debris so the catch basin at its north end doesn't get clogged up and spill over during a heavy rain event.

Mr. Pilling indicated the catch basin Trustee Di Salvo referred to has clogged up in the past but he will be happy to take a look at the open culvert.

Trustee Jablonski indicated that the Lakewood tree committee is looking into ways to slow down and possibly filter the water that enters the culvert before it reaches the lake. One way they are giving some thought to is to create a series of "step downs" along the length of the open culvert.

Police Chief John R. Bentley reported that the Lakewood-Busti Police

Department has responded to four thousand four hundred ninety-seven reportable incidents year to date. Chief Bentley also indicated he sent two officers to an advanced intoxicated driver enforcement school and is looking to provide all officers with the heroin antidote Narcan, which will be in a nasal mist form, to be able to treat those suffering from an overdose. Chief Bentley said the antidote drug was purchased through a grant in the amount of \$ 3,140.00 from the New York State Attorney General's Office.

Dr. Rudolph J. Mueller, 7 Sunset Ave., asked Chief Bentley if he recalls how many officers have either retired or left the department to take a full time job elsewhere in the last twelve months, and how those personnel changes impact uniform costs.

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Chief Bentley indicated to Dr. Mueller there have been ten personnel changes within the police department in the last year which represented about 60% of the police force. Over the past three years thirteen part-time officers and three full time officers have left the department. Chief Bentley said the many changes in personnel does impact his uniform budget significantly.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to two hundred sixty-two alarms year-to-date and that things have been somewhat routine the past two weeks.

Village Treasurer Andrea J. Windoft indicated that upon receipt of the Village of Lakewood's New York State sales tax check for the fourth quarter revealed that the sales tax revenue for the year was approximately \$ 32,000.00 under the budgeted figure.

Trustee Di Salvo asked Village Clerk Johnson if the information pertaining to the Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC) could be advertised on the Village of Lakewood's web-site.

Village Clerk Johnson said he would be happy to ask the individual who manages the Village of Lakewood's web-site to add that information to it.

COMMITTEE REPORTS

Mayor David T. Wordelmann reported that he had the pleasure of attending the New York Conference of Mayor's annual meeting and training school held recently in Saratoga Springs, New York at which he attended several informative seminars along with two hundred other mayors from across the state. The main topic discussed at the meeting was Governor Andrew Cuomo's "property tax freeze." proposal. Mayor Wordelmann implied Albany is playing the blame game when it comes to New York State's budget crises and is disappointed that only one side of the story is making headlines. Mayor Wordelmann indicated that each and every penny collected in village taxes pays for a service that is provided to the residents as opposed to paying for mandated programs run by New York State. Mayor Wordelmann then briefly explained the tax freeze program and proposed rebates to be received by tax payers.

Trustee David J, Di Salvo, Chairman of the Planning & Zoning sub-committee reported he recently spoke with Mr. Thomas Maggio, Special Projects Manager for the Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC), who said the New York State Office of Community Renewal has money available

through grants to upgrade historic main streets to include façade treatment, streetscape design guidelines, etc., up to \$ 20,000.00 per community. Trustee Di Salvo asked Mayor Wordelmann, if he has no objection, he would like to take the lead and apply for this grant money.

Trustee Di Salvo said there is also a \$ 2,500.00 technical assistant grant available through New York State that could go hand in hand with the community renewal grant.

Ms. Lisa Schmidfrerick-Miller, Healthy Communities Consultant from the Chautauqua County Department of Health, briefly explained the details and timeframe for applying for the \$ 2,500.00 grant.

Trustee Di Salvo indicated he and Trustee Jablonski would be happy to form a committee to work together on this grant application.

Trustee Di Salvo then said having been tapped by Mayor Wordelmann to work with the Town of Busti and Town Councilman Kenneth Lawton, who has taken the lead on the Transportation Alternatives Program (TAP) application for a 1.8 million dollar grant, 80% from the NYS Department of Transportation and 20% from in kind service or local funding. Trustee Di Salvo indicated that the Town of Busti recently adopted a resolution supporting this application, money from which, would fund the construction of a multi-purpose bike path being proposed along the railroad right-of-way.

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Trustee Di Salvo then asked Councilman Lawton if he would like to give those in attendance a quick overview of the project.

Councilman Ken Lawton indicated the rail-trail idea got off the ground as a result of input received during the Town of Busti's comprehensive plan process during which people expressed the need for a bike path. Mr. Lawton said he and others started researching the idea along with ways to fund the project about a year ago. The project has received a lot of support with about twenty people working behind the scenes. The goal of this project is to provide for an alternate and ultimately safer form of transportation. Mr. Lawton said the rail-trail would be located within the Western New York & PA Railroad right-of-way which traverses the Village of Lakewood and Town of Busti and the committee is negotiating a sixteen year lease agreement with the railroad. Mr. Lawton said there used to be two sets of tracks, but one has been abandoned and that there would be a fence erected between the rail-trail and the active railroad tracks. Mr. Lawton said the proposed rail-trail, if built, would provide a tremendous economic impact to the area and would run from the east end of the village to the westerly boundary line of the township.

Trustee Drago asked Mr. Lawton how does he and his committee expect to raise 20% of the 1.8 million dollars.

Mr. Lawton indicated to Trustee Drago the target dollar figure to raise is \$ 400,000.00 and is hopeful to receive support from individuals, local businesses and foundations, plus fund raisers. Mr. Lawton said the Town of Busti is the lead sponsor and applicant for this grant. Receiving local government support for this project is paramount and pledges of financial support may be paid over a five year period.

Trustee Di Salvo asked Mr. Lawton if he would care to share some figures

related to economic development that occurred in other areas where bike paths have be introduced.

Mr. Les Johnson, 899 Hunt Road, and owner of the Hollyloft Ski & Bike Shop, said he has put together some information on the economic impact that bike trails have on a particular area. Mr. Johnson said the first leg of the proposed rail-trail would run from the Cummins Engine Plant to Celoron. Mr. Johnson said bike trails in Wisconsin, Iowa, Oregon, Arizona and Vermont, have had a huge economic impact in their respective states. Closer to home, Mr. Johnson referenced a chart which indicated the bike trail in Venango County generated about 4.3 million dollars in user spending in 2006 and last year user spending increased to over 7 million dollars.

Mayor Wordelmann indicated to Mr. Johnson he doesn't see the proposed rail-trail of having the economic impact that others are expecting.

Trustee Jablonski indicated he visited the bike trails on Cape Cod and it was his experience that they had a tremendous impact on the local economy. With Chautauqua Ave. being located near the middle of the proposed rail-trail the potential is there to give the businesses along Chautauqua Ave. and the Lakewood area in general an economic lift.

Mr. Ron Rosenberg, Bemus Point, N.Y., indicated to Mayor Wordelmann he is an avid biker and when he goes out of town to ride various trails he spends money. He added, if you build the rail-trail people will come. There is more to Chautauqua County than the lake.

Mr. Les Johnson suggested once the bike trail is built and promoted it will become very busy, and when additional legs of the trail are added, (Celoron, Falconer, Kennedy) the trail will become busier with each new leg.

Mayor Wordelmann indicated he doesn't wish to give off a negative posture concerning this project however he is compelled to ask questions regarding liability, safety of those using the rail-trail, how it is policed or what happens if the railroad wants to restore the second set of tracks. Mayor Wordelmann also questioned, why the railroad versus a trail along Terrace Ave. or Summit Street.

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Ms. Schmidtfrerick-Miller said she can address Mayor Wordelmann's last comment. The engineering firm that developed the rail-trail plan did look at alternatives that made connections into the Village of Lakewood however it involved agreements, etc. with over forty private property owners. Although the negotiation with the railroad may be challenging, it is one negotiation versus many and the unused rail road bed provides an excellent base for the bike trail.

Mr. James Whitermore, 8 Park Lane, spoke favorable of a forty mile, soon to be longer, bike trail from St. Petersburg to Tarpon Springs and the impact it has on the local economy. The trail also takes bikers off the crowded streets.

Mr. Lawton said the number of bike-vehicle accidents are on the rise and an off road option is a positive move. Mr. Lawton then said he isn't pressing for an answer but would like for the Village of Lakewood to consider adopting a resolution support this project.

Mayor Wordelmann said he personally thinks the propose rail-trail is a good idea, however it is his job to pose the what-if questions, adding this project should be done without tax payer dollars.

Mr. Floyd White, Jamestown, N.Y., said he and his wife moved her from Washington State, and it is his opinion the most exciting fun thing to do is to experience the bike trail in Cheney, Washington.

Trustee Di Salvo reminded Mayor Wordelmann that the 20% of this project can be cash or in kind contributions.

Trustee Jablonski suggested that the Village of Lakewood should consider this project as part of the transportation infrastructure along with its streets and sidewalks and encourages the Board of Trustees to adopt a resolution supporting this concept. As part of the Village of Lakewood transportation infrastructure this project would require that public money be spent as a community investment.

Councilman Lawton said he would greatly appreciate it if the Village of Lakewood could give our committee a vote of confidence and leadership concerning this project and in turn will help us do what we are trying to do.

Mr. Craig Seger, 31 Winchester Road, indicated the Town of Busti took the initiative to support this project and is a perfect opportunity for the Town and Village to work together on a major project.

Mr. Andrew Dixon, of the Chautauqua County Health Network, whose mission it is to promote quality health and healthcare for residents throughout the county, encouraged the Board of Trustees to embrace and support this project, not only for the social and economic benefits but also for the health benefits it will provide.

Ms. Nancy G. Bargar, 11 West Terrace Ave., indicated to Mayor Wordelmann that there is an on-line fundraising contest involving the proposed mountain bike trails at Hoilday Valley and it might be something this project could piggy-back on. Ms. Bargar said having been injured in a biking accident, she is very sensitive to the safety of bikers on the highway and proceeded to invite Mayor Wordelmann to go biking with her someday.

Mr. Cecil Rhodes, Jamestown, N.Y., said he sees the proposed rail-trail as a community project and as a biker has found that bike trails are very popular and heavily used. Mr. Rhodes said he bikes to and from his work place which takes him through the Town of Busti. Mr. Rhodes went on to say that he is in support of the proposed rail-trail but understands the concerns. Answering the possible failure modes up front makes for a successful project.

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Mr. Jake Kane, 134 West Summit Street, said as the father of three young children, who is concerned for their safety when riding their bikes, would like to lend his support to this project.

Mr. Tony Hall, Bemus Point, N.Y., indicated he rides his bike approximately 2,000 miles to and from his work place, which happens to be Cummins Engine Plant, each year. Five years ago his employer started a program where

employees donate time to various community projects. The projected time to be donated this year is 4,000 man hours, some of which could be used to assist in building the trail as part of the in-kind contributions. Mr. Hall said the key in any major project is strong leadership and a committed unified decision in making one's goal a reality.

Mr. Patrick Johnson, 6 East Terrace Ave., indicated his son, who is a professional cyclist and lives in Greenville, S.C., said a new bike trail in the area has meant a 30-50% increase in sales for businesses along the trail. Businesses that moved to be near the trail realized a 30-90% in their sales.

Mr. William Chandler, 207 West Summit Street, said all the people who have spoken this evening are in favor of the bike path and it is time for the Board of Trustees to either say they support this project or not.

Mr. Dan Meyer, Jamestown, N.Y., said he also works at the Cummins Engine Plant and travels through Lakewood twice a day. Soon to retire, he and his wife are considering purchasing a new home in the Lakewood or Bemus Point area. Recreation and walkability will be a factor in that decision.

Mr. Scott Axelson, Frewsburg, N.Y., said he just moved back to the area from Milford, N.H., after being away from the area for the past twenty years. Mr. Axelson said he ran a ski shop in Milford, which also sold bikes, and the one question visitors would ask is, where can they access a bike trail.

Mr. David Phelps, 102 Baxter Ave., and lifelong resident of Lakewood, said as a tax payer, this project needs to happen and intends to support.

RESOLUTION #18-2014-2015 - LEND SUPPORT TO RAIL-TRAIL PROJECT

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, WHEREAS; the proposed rail-trail will contribute to the health and wellbeing of residents and visitors alike plus have a positive economic impact on area businesses, the Village of Lakewood hereby supports the development of the rail-trail and encourages residents, area businesses, organizations and foundations to contribute to this effort.

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

ANYONE TO BE HEARD

Ms. Nancy Bargar, 11 West Terrace Ave., said she would like to commend the Village Clerk for the quality of the minutes of the Board of Trustees. She suggested however, that the minutes of April 28, 2014, should have noted that due to the number of people in attendance, the meeting was adjourned to the Busti Recreation Center across the street.

Ms. Bargar then asked Building Inspector Smith if there has been any progress to have Valu Home Center replace the two trees they cut down last year.

Mayor Wordelmann said Valu Home Center has agreed to replace the trees and would be happy to check with them as to the timetable when they will be replaced.

Ms. Bargar then said she isn't convinced that the "no rent zone" being considered in the rules and regulations of the vacation/short term rentals is the answer. She hopes the critical mass doesn't trump the thinking of what it

is like living in this community as a single woman.

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After researching the subject, she noted that in Monterey, CA, there are more restrictive rules regarding short term rentals and believes Lakewood can do better. Ms. Bargar added the Village Board meeting she and many others attended two weeks ago was one of the best she has attended in terms of residents articulating their views on this on this very controversial subject.

Ms. Linda Swanson, 2 Vista Way, wished to thank the Board of Trustees and the zoning law review committee for their efforts, realizing it is difficult when the horse is already out of the barn. It is a sad day when part of the so called "gold coast" goes the way of short term rentals. Ms. Swanson said it isn't just neighbors of short term rental properties that are impacted, but once it goes forward, each and every property within the Village of Lakewood, will be impacted, leaving the current zoning law impotent.

She said this particular subject is a slippery slope and all it takes is one house on one block for it to be converted into a "party house". There are many home market value points throughout the Village of Lakewood and once a house becomes a rental, assessments of nearby homes decrease. Ms. Swanson went on to say opening the door to short term rentals threatens something people value dearly and that is the loss of the identity as a small village. She encouraged the Board of Trustees to look hard at the ground rules and believes her neighborhood has been a test for abuse by a land owner and their renters. Not knowing one's neighbors and having numerous homes used as short term rentals does not agree with her definition of community.

Ms. Swanson also asked the Board of Trustees to adopt a noise ordinance and to establish a "quiet time" for all of Lakewood. She noted other people are determining our fate and asked the Board of Trustees to consider establishing a comprehensive plan for the Village of Lakewood with assistance from the Lakewood Community Development Corporation.

Mayor Wordelmann informed Ms. Swanson a noise ordinance is going to be one of a number of amendments to the revised zoning law.

Mrs. Jill Conley, 7 Winchester Road, indicated there are obviously two schools of thought regarding the subject of vacation/short term rentals, divided by a canyon. A silent majority believe we have a lot to lose by allowing transient rentals to take place. Mrs. Conley asks that local elected officials enforce current zoning laws for the entire village. Mrs. Conley said she and others have invested their lives in this community and its integrity must be preserved. She thanked members of the Board of Trustees for listening to her concerns the past nine months and can only hope her voice and the voices of others have been heard. In closing Mrs. Conley commended Police Chief Bentley and the Lakewood-Busti Police Department and personally believes they can handle any and all situations that may arise.

Mrs. Wendy Kane, 134 West Summit Street, said vacation/short term rentals in the Village of Lakewood isn't something new, and quoted newspaper articles from the late 1800's advertising short term rentals in the vicinity of the Richard O. Hartley Park/Beach. She said having vacation/short term rental properties is part of the charm of the Village of Lakewood. Where are people visiting Lakewood supposed to stay?

Mr. James Whitermore, 8 Park Lane, said he has lived on Park Lane for the past fifty years and before that twenty years in Sherman's Bay. Therefore, Lakewood is very special to him, so much that he rates it up there with his two other favorite places in New York State, Saratoga Springs and Skaneateles. Each has recreation, shopping options and is safe. Mr. Whitermore is not in favor of change that is only going to benefit a few.

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RESOLUTION #19-2014-2015 - APPROVE/ADOPT PROPOSED LOCAL LAW #2-2014
VACATION/SHORT TERM RENTALS

Motion by Trustee Di Salvo, seconded by Trustee Drago, for the Board of Trustees of the Village of Lakewood to approve/adopt Local Law #2-2014 - Rules and Regulations pertaining to Vacation/Short Term Rental properties within the Village of Lakewood, without the "no rent zone" overlay, contingent upon having the Chautauqua County Department of Planning & Economic Development finding that the action will have no significant county-wide or inter-community impact, making way for the Village of Lakewood to issue a Negative Declaration as it relates to the State Environmental Quality Review Act.

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

ANYONE TO BE HEARD (CONTINUED)

Mr. Theodore McCague, 12 Park Lane, said he would like to bring up a procedural issue, questioning whether the Board of Trustees are able to vote on the matter of Local Law #2-2014 this evening. Essentially there was a draft of the Local Law dated April 3rd and another draft dated April 25th and in changing the draft of the local law, he believes there should be another public hearing prior to action being taken on the matter.

Mayor Wordelmann indicated to Mr. McCague, having discussed that exact question with Village Attorney Wright, it was his opinion that because the changes in the draft of local law #2-2014 were insignificant, another public hearing would not be necessary.

Mr. McCague then quoted Section #7-708 of Village Law, saying rules regarding public hearings shall apply equally to all proposed amendments. Mr. McCague then cautioned members of the Board of Trustees take another look into the matter before they vote on it.

Mayor Wordelmann said he is standing firm on the Board of Trustees position based on the opinion of Village Attorney Wright.

RESOLUTION #20-2014-2015 - POSTPONE NEXT REGULAR BOARD OF TRUSTEES MEETING

Motion by Trustee Jablonski, seconded by Trustee Drago, that due to the Memorial Day Holiday, to postpone the next regular meeting of the Board of

Trustees, previously scheduled for Monday, May 26, 2014 until Tuesday, May 27, 2014, with the work session to begin at 6:30 PM, followed by the regular meeting at 7:00 PM.

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

RESOLUTION #21-2014-2015 - SET TIME AND DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor Wordelmann to set 7:15 PM. Tuesday, May 27, 2014, as the time and date to conduct a public hearing to review a Special Use Permit - (Fence), application as submitted by Mr. Antonino C. Calimeri, 19 Lowe Ave.

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

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RESOLUTION #22-2014-2015 - AUTHORIZE SEMINAR ATTENDANCE

Motion by Trustee Jablonski, seconded by Trustee Drago, authorizing elected and appointed officials from the Village of Lakewood to attend a Southern Tire West sponsored Stormwater Management Seminar/Demonstration Day, Thursday, May 22, 2014, at the Cattaraugus County DPW, Little Valley, New York.

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

RESOLUTION #23-2014-2015 - OPPOSE PROPERTY TAX FREEZE PROPOSAL

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, for the Village of Lakewood to go on record opposing New York State Governor Andrew Cuomo's "property tax freeze" proposal.

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

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, and unanimously carried, the Board adjourned at 8:29 PM.

Joseph M. Johnson
Village Clerk

