

JANUARY 13, 2014

The nineteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 13, 2014 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 December 23, 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 December 30, 2013 and January 13, 2014, be approved and that the Clerk shall execute said abstracts (#32, #33, #34 & #35) and direct payment by the Treasurer. Trust and Agency Fund: \$ 54,657.35, (Checks #2771 thru # 2785) General Fund: \$ 17,604.99, (Checks #10314 thru #10316) Trust and Agency Fund: \$ 55,739.51, (Checks #2786 thru #2797) General Fund: \$ 41,385.06, (Checks #10317 thru #10359)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that he met with representatives from the Chautauqua Lake Yacht Club who would like for the Village of Lakewood to replace the dilapidated storm water drain pipe which discharges into Chautauqua Lake and is located within the New York Ave. right-of-way. Mr. Pilling indicated that the yacht club has agreed to provide drainage structures that would reduce the amount of sediment that reaches the lake through this pipe. Mr. Pilling said the D.P.W. crew will be able to assist with the installation of the desired structures which are designed to trap sediment. Mr. Pilling also reported that he has applied for funding through the New York State Department of Environmental Conservation Water Quality Improvement Project to construct a wetland on Village of Lakewood owned property adjacent to Crescent Creek between the railroad tracks and East Summit Street. This project, if and when completed, will provide some flood control measures for the nearby residential neighborhood, control erosion along the creek and decrease the amount of sediment and pollutants that are discharged into Chautauqua Lake via this tributary.

Mayor Wordelmann said the Village of Lakewood is glad to help out the Chautauqua Lake Yacht Club with the installation of a new drain pipe and plans to have a couple sediment trapping structures installed.

Ms. Nancy G. Bargar, 11 West Terrace Ave., asked Mr. Pilling how he goes about prioritizing sidewalk work throughout the village. She said although the sidewalks on Chautauqua Ave. are beautiful, a section of sidewalk in front of one of her tenant's right around the corner on West Summit Street is cracked and in need of replacement.

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Mr. Pilling indicated to Ms. Bargar that over the past four years the Department of Public Works has tried to replace the worst or most dangerous sections of sidewalk. Sections of sidewalk that pose a trip hazard to pedestrians are our first priority to either repair or replace.

Mr. Pilling said to be perfectly honest there are a lot of cracked sidewalks throughout the village but told Ms. Bargar he will be happy to take another look at the section of sidewalk in question.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department responded to ten thousand eight hundred incidents in 2013 and four hundred seventy year-to-date. Chief Bentley also reported that the department was recently audited by New York State officials with respect to the various grants that have been awarded to the Lakewood-Busti Police Department.

Chief Bentley also reported that drug overdoses in the area are on the rise one of which proved fatal for a Burton Road resident last week. Chief Bentley asked if anyone knows of an individual having issues with drug addiction they should reach out to this person and attempt to steer them in a direction where they can receive help. He reiterated that the increase in property crime is drug driven.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department responded to a record number of eight hundred thirty-one alarms for the year 2013. Chief Hallberg said year-to-date they've responded to twenty-seven alarms. He also reported that they've experienced repeat calls for individuals having drug addiction problems.

Ms. Susan Lane, 188 East Terrace Ave., Chaplin for the Lakewood American Legion Auxiliary said there are programs in place to help veterans experiencing drug problems. It is just the matter of having the veteran reach out or having someone else reach out on their behalf.

Village Treasurer Andrea J. Windoft indicated that Mrs. Mary Miller, Director of the Lakewood Memorial Library recently approached her about the possibility of having the Village of Lakewood process their small payroll. Village Treasurer Windoft said the situation would afford the Village of Lakewood a new revenue source and that it wouldn't be a time consuming task. The software programmer would reproduce our payroll files into a separate set of records for their personnel. With the Board of Trustees' permission the only thing left to do would be to come up with a payment structure and/or draft a contract between the two entities.

Village Attorney Wright suggested that because the Village of Lakewood would be handling monetary transactions for another entity it would be good to check with its insurance carrier to see if the existing coverage is adequate or if additional coverage would be required.

Building Inspector Charles L. Smith reported that things are lining up to be a very busy year for commercial development in the Village of Lakewood, including a minor remodel at the J.C. Penney store, plus the expansion and addition of other stores at the Chautauqua Mall.

Mayor Wordelmann indicated that he and Mr. Smith recently met with developers associated with the Panera Bread franchise who would like to build a new restaurant on Mall Blvd. between the former Rex appliance store and Five Star Bank. It is expected the contractor will break ground sometime late spring or early summer.

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ANYONE TO BE HEARD

Dr. Rudolph Mueller, 7 Sunset Ave., indicated because of the "I STOP Law", oral narcotics are more difficult to get a hold of and therefore one sees an increase in heroin use.

Dr. Mueller said it is great to hear that the Village of Lakewood has applied for some grant money to undertake a project that will slow down and retain storm water in Crescent Creek which will ultimately reduce erosion and therefore reduce the amount of sediment that reaches Chautauqua lake.

Dr. Mueller indicated to Mayor Wordelmann and the Board of Trustees that they are probably aware that the Town of Busti is looking at an alternate handicapped accessible site for their, offices, court room and recreation department. He said the village owned building at 20 West Summit Street has good size and wondered if the Village of Lakewood has ever approached the Town of Busti about the possibility of consolidated the respective municipal offices into one. Dr. Mueller said he believes there is New York State funding available for both consolidation and handicapped accessibility projects. Dr. Mueller said this is an opportunity for the Village of Lakewood to put together a proposal and present it to the Town of Busti for consideration. It is in the taxpayers best interest to at least put together a proposal for both municipalities to discuss.

Mayor Wordelmann said the Village of Lakewood has previously discussed the possibility of having the Town of Busti move their offices into the village hall but it has been difficult to get township officials to agree to the move. Mayor Wordelmann said he is aware the Town of Busti is looking at the building at 125-127 Chautauqua Ave. as the future home of their offices, court and recreation department. Mayor Wordelmann said he agrees with Dr. Mueller that it would be less expensive and more beneficial if somehow the Town of Busti would move into the village hall. Unfortunately both parties would have to agree to such a move and right now the Town of Busti is reluctant to do so.

Dr. Mueller suggested that a local architect be contacted to draw up a proposal to convert the village hall into a handicapped accessible structure that could serve all the needs of both municipalities. It is imperative that this be done now while there are grant monies available.

Mayor Wordelmann suggested that pressure needs to put on Town of Busti officials to at least consider the possibilities of having both municipal governments working out of the same facility.

Building Inspector Smith said he has access to a software program that can put together some pricing for converting space in this building and include any possible additions that might be necessary in order to accommodate the two offices, recreation department and court facility.

RECESS

Motion by Trustee Drago, seconded by Trustee Denn, to recess the regular meeting so as to conduct a previously scheduled public hearing.

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

JANUARY 13, 2014 (CONTINUED)

PUBLIC HEARING – 6:45 PM
PROPOSED ZONING LAW AMENDMENTS
RE: ADULT NOVELTY STORES

Mayor Wordelmann opened the public hearing at 6:50 PM and asked the Clerk to read the public hearing notice as it appeared in the Village of Lakewood's official newspaper.

Mayor Wordelmann then explained that nearly a year ago the Board of Trustees placed moratoria on storage sheds, variable message signs, automobile sales and adult novelty stores. Subsequently a zoning law review committee was appointed and they have been meeting for the past six months discussing these subjects and others in an effort to introduce some proposed amendments to the local zoning law.

Mayor Wordelmann indicated this is the final of four public hearings on the moratoria. The zoning law review committee will continue to meet to discuss new subjects as well as review existing sections of the zoning law that might warrant some changes.

Getting back to the subject at hand, Mayor Wordelmann explained that the First Amendment to the Constitution prohibits the Village of Lakewood or any other municipality from establishing an outright ban on adult novelty stores however it may regulate where in the village an adult novelty store may be located. Presently there isn't anything in the present zoning law that addresses adult novelty stores. If someone, like the individual last year, had a desire to establish an adult novelty store in the Village of Lakewood they would have been asked to apply for a special use permit for that particular use.

Mayor Wordelmann indicated with the aid of the excerpt from the Village of East Aurora's zoning law on adult uses a draft of a like section for the Village of Lakewood's zoning law was developed. He then briefly reviewed the various restrictions listed in the draft document. Mayor Wordelmann said a sub-zone was created within the B-3, (Automobile Sales) zoning district that would restrict an adult novelty store from being located anywhere in the Village of Lakewood other than in the Chautauqua Mall or on Mall Blvd. Mayor Wordelmann said typically municipalities have allowed adult uses in industrial zones however the industrial districts within the Village of Lakewood are located in close proximity to residential districts which would be a violation of one of the zoning restrictions as set forth in the proposed amendment.

Mrs. Jill Conley, 7 Winchester Road, said if the Chautauqua Mall is the only area in which an adult novelty store could be located, she is concerned that the mall itself with its variety of stores and activities is a gathering place for impressionable young children.

Mayor Wordelmann said any adult novelty store proposed for the mall or one of its out parcels would have to comply with the distance restrictions as set forth in the proposed zoning law amendment.

Trustee Drago said there was some discussion amongst members of the zoning law review committee to include children's recreation areas in part C of the proposed restrictions which would cover those specific areas of the mall that cater to children.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 7:01 PM, and proceeded to reopen the regular meeting of the Board of Trustees.

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ANYONE TO BE HEARD

Mr. A. Jackson Smith, 15 Sunset Ave., appeared before Mayor Wordelmann and the Board of Trustees saying a few months back he brought up the idea of re-establishing a Lakewood Area Chamber of Commerce. After doing some research, Mr. Smith said in order for any organization to be successful, it needs success early on. Mr. Smith asked Mayor Wordelmann if the Village of Lakewood has a plan in place that an organization such as a Chamber of Commerce could sink its teeth into and assist in carrying it out. A couple nuggets of early success can go along way. Mr. Smith said although some things are already in place such as the lakeside park, public dock and Chautauqua Ave. business corridor, he would like to think these and other assets can function more effectively. Mr. Smith would like for the Village of Lakewood to develop a budget variance report that would track the village finances over the course of a fiscal year. He said a one year short term plan would be a good start but a five year plan would be great. Mr. Smith stressed the point without strategic planning things can not get done. Mr. Smith then asked Mayor Wordelmann about making P.I.L.O.T. (payment in lieu of taxes) programs available as a means to attract new small businesses to the area.

Mayor Wordelmann asked Mr. Smith if what he is looking for is a comprehensive plan or something other than that. As far as P.I.L.O.T. programs go, Mayor Wordelmann indicated to Mr. Smith that is something done through the Chautauqua County Industrial Development Agency. The latest P.I.L.O.T. program initiated by the I.D.A. back in 2010 involved the remodel and redevelopment of the Lakewood Village Center. Mayor Wordelmann believes the redevelopment of the plaza with its three new anchor stores has been a catalyst for additional commercial development in the immediate area. Mayor Wordelmann noted that some well meaning projects are just too small to qualify for this type of program.

Mr. Smith said it would be great for a community organization such as a Chamber of Commerce to dovetail its energy and efforts in a definitive plan put in motion by the Village of Lakewood.

Village Attorney Wright suggested to Mr. Smith that he might want to get in touch with Ms. Lisa Schmidtfrerick-Miller, a consultant with the Chautauqua County Department of Health, regarding some ideas she may have in making Lakewood more walker and biker friendly.

Mayor Wordelmann indicated the Town of Busti recently completed of their comprehensive plan and because it wasn't specific to the Village of Lakewood it might be a good time to consider developing a comprehensive plan of our very own. Mayor Wordelmann asked Trustee Di Salvo if the Village of Lakewood were to go forward with its own comprehensive plan where might be a good place to start.

Trustee Di Salvo suggested that the Village of Lakewood start the process by conducting a couple visioning sessions at which residents could offer their opinions on the direction they would like to see their community take in the next five years or so. Trustee Di Salvo said this spring would be a wonderful time to start gathering public input, including what are the Village of Lakewood's strengths and weaknesses.

Mayor Wordelmann kindly asked the zoning sub-committee, comprised of Trustee Di Salvo and Trustee Jablonski if they would devise a plan as to how to move forward with the development of a comprehensive plan for the Village of Lakewood and report back to the Board of Trustees.

Mrs. Jill Conley, 7 Winchester Road, asked Mayor Wordelmann where on the list of subjects for discussion by the zoning law review committee is the topic short term/vacation rentals.

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Mayor Wordelmann said short term/vacation rentals is on the top of the list and it will be the first thing the zoning law review committee will be discussing at its next meeting which is scheduled for Monday, January 20th.

Chautauqua County Legislator P.J. Wendel indicated to Mayor Wordelmann and the Board of Trustees that he had been in conversation with Town of Busti officials about the potential sale of their building at 121 Chautauqua Ave., and the possible move into the building at 125-127 Chautauqua Ave. A local banking establishment is interested in buying 121 Chautauqua Ave. with a condition that the Town of Busti be moved out within seven months. Mr. Wendel said because the Town of Busti could not promise they would be completely moved out within that time frame the deal apparently fell through, which was very discouraging to hear.

Mayor Wordelmann indicated he recently heard a second bank has shown an interest in the Town of Busti administration building at 121 Chautauqua Ave.

Dr. Mueller suggested that the Village of Lakewood and the Town of Busti work together to make the sale happen. He proceeded to ask why couldn't the Village of Lakewood make some room in the village hall for a few months or until the Town could relocate its office into 125-127 Chautauqua Ave. Dr. Mueller said it would be awesome if a bank could be part of the Chautauqua Ave. business corridor again.

Mayor Wordelmann told Dr. Mueller that is a question for the elected officials from the Town of Busti.

Mr. A. Jackson Smith said it is going to take serious efforts by officials from both the town and village and the will to meet to discuss these important issues facing the community.

Mayor Wordelmann said for some reason members of the Town Board don't consider the Village of Lakewood as part of the Town of Busti unfortunately that attitude has been prevalent for years.

Ms. Bargar said that posture by the Town Board in itself is incentive to conduct a joint public meeting of the two governing bodies. That position needs to be expressed in the newspaper and people need to understand what's going on. If that is the obstruction, it needs to be known. Another point that needs to be driven home is the historic value of the building we are sitting in this evening versus the building the Town of Busti now occupies. They are two different animals.

Mayor Wordelmann told Ms. Bargar he agrees with her one hundred percent, however her message needs to be directed to the elected officials from the Town of Busti.

Mr. Joseph M. Troche, 19 Winchester Road, said this kind of talk has been going on at meeting after meeting for eight or nine years now. This Board has been willing to consider sharing office space however the Town Board just refuses to cooperate. Residents need to voice their concerns regarding this subject before members of the Town Board.

Trustee Di Salvo said he and Trustee Jablonski met with Town Supervisor Robbins and Town Councilman Thor and discussed this very issue. Trustee Di Salvo said they also discussed the need to have a joint meeting between the Town and Village Boards to address the issues at hand. A joint meeting might get contentious, but so be it. It will give everyone, including the public, a chance to speak up.

Mayor Wordelmann said he will be happy to talk with Supervisor Robbins about arranging a joint public meeting of the Village Board of Trustees and the Busti Town Board.

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Mr. A. Jackson Smith said we all want the pettiness and rift between the Village of Lakewood and the Town of Busti to come to an end and see the two groups come together. Mr. Smith said as intimated by Trustee Di Salvo, a joint meeting of the two boards might be contentious, however productive meetings often include some contentious moments.

Mayor Wordelmann said in Supervisor Robbins' defense, he has been more than willing to work with the Village of Lakewood for the common good.

Trustee Jablonski said it is very important to work with the Town of Busti and pursue grant money for exploring further consolidation between the town and village. Both entities need to look at consolidation as way to save taxpayer dollars.

RESOLUTION #116-2013-2014 – APPROVE POLICE SERGEANT APPOINTMENT

Motion by Trustee Denn, seconded by Trustee Drago, per the advice and recommendation of Police Chief John R. Bentley, to approve the provisional appointment of Officer Jeffrey G. Spencer to the rank of Police Sergeant effective February 22, 2014. Officer Spencer who began his law enforcement career with the Lakewood-Busti Police Department as a part-time police officer on February 27, 1992, will be compensated at an annual salary of \$ 61,453.00.

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

RECESS

Motion by Trustee Drago, seconded by Trustee Denn, to recess the regular meeting of the Board of Trustees at 7:22 PM, so as to enter into executive session to discuss a personnel matter.

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

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Susan F. Drago, Trustee Gale A. Denn, Trustee David J. Di Salvo, Trustee John Jablonski, Village Attorney Edward P. "Tad" Wright, Police Chief John R. Bentley and Village Treasurer Andrea J. Windoft. Motion by Trustee Denn, seconded by Trustee Jablonski, to adjourn the executive session at 7:34 PM and to reopen the regular meeting.

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

Motion by Trustee Denn, seconded by Trustee Di Salvo and unanimously carried the Board adjourned at 7:35 PM.

Joseph M. Johnson
Village Clerk