

JULY 14, 2014

The seventh regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, July 14, 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 Jeff Swanson.

#### APPROVAL OF MINUTES

Motion by Trustee Denn, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held June 23, 2014.  
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

#### AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Denn, that the claims as audited by the Auditing Committee of the abstracts dated June 30, 2014 and July 14, 2014 be approved and that the Clerk shall execute said abstracts (#4, #5, #6 & #7) and direct payment by the Treasurer. Trust & Agency Fund: \$54,463.95, (Checks #2997 thru #3011 NOTE: Check #2996 was voided) & \$60,435.35, (Checks #3012 thru #3031) General Fund: \$ 5,439.00, (Checks #10823 thru #10825) & \$97,661.59, (Checks #10827 thru #10894) NOTE: Trustee Di Salvo indicated that he did not sign the invoice for monthly janitor service as provided by Southwestern General Maintenance, but will do so upon approval of a contract/agreement with the vendor, which has been added to tonight's agenda.  
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the playground area at Richard O. Hartley Park has been weeded and a new layer of wood chips has been added to areas under the playground apparatus. Also, a load of white sand has been added to the beach area at the park. Mr. Pilling indicated that he has upgraded the lighting system at Richard O. Hartley and put additional lights on the timer system. He also reported that the Department of Public Works has taken delivery of a new John Deere loader, work on the proposed baseball field is moving forward and work on the new storage building on Packard Ave. began today. Mr. Pilling indicated a problem has cropped up at community park wherein the parking lot has become a boat trailer storage area. He asked Mayor Wordelmann and members of the Board of Trustees how they would like to handle the matter.

Mayor Wordelmann suggested that the trailer owners be advised that there is no overnight parking of boat trailers at community park and if they fail to comply they should be ticketed, towed and placed in the impound area.

Mayor Wordelmann wished to take a minute to thank and commend Police Chief Bentley, Fire Chief Hallberg, D.P.W. Supervisor Pilling, Village Clerk

Johnson, Mr. Tom Anderson from the Lakewood Family YMCA and their respective staffs for all the work that went into this year's 4<sup>th</sup> of July Festival & Summerfest. Mayor Wordelmann said the event was one of the best ever and thankfully it went off without any incidents.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to six thousand seven hundred ninety reportable incidents year-to-date. Chief Bentley indicated that the 4<sup>th</sup> of July went very well and the opening of Stateline Speedway on July 5<sup>th</sup> also went well. Chief Bentley said the Lakewood-Busti Police Department is very busy with summertime police work.

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Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to four hundred thirty-nine alarms year-to-date. Chief Hallberg was pleased to also report that as the lead agency for the 3<sup>rd</sup> Battalion, which includes eight other local fire departments, the Lakewood Volunteer Fire Department was awarded a regional grant in the amount of \$ 364,320.00, which will be used to purchase new radios for front line equipment and fire chief vehicles. The monies were allocated through the Department of Homeland Security's Assistance to Firefighters Grant Program.

Trustee Denn asked the question, could some of the money received from the grant be used to defray some of the costs the Lakewood-Busti Police Department incurred recently when purchasing their new radios.

Chief Hallberg indicated to Trustee Denn that would not be allowed because the money must be spent on the specific equipment mentioned in the grant document.

Village Treasurer Andrea J. Windoft reported that 91% of the 2014-2015 village taxes have been collected which total approximately 1.56 million dollars and that she is in the process of completing the Village of Lakewood annual audit as required by the New York State Comptroller's Office.

Village Trustee Drago indicated that some village residents who have post office boxes haven't received recent mailings generated by the Village of Lakewood and asked the Village Clerk to include them in saturation mailings in the future.

Village Clerk Johnson indicated to Trustee Drago that he would happy to include the post office boxes in all future saturation mailings.

Mayor Wordelmann was pleased to introduce Mr. Jeff Swanson, as the Village of Lakewood's new Building Inspector/Code Enforcement Officer, to members of the Board of Trustees and to those in attendance. Mr. Swanson is taking over for Mr. Charles L. Smith who recently retired.

Building Inspector Swanson reported that he has issued five building permits and has conducted a number of inspections. Mr. Swanson also indicated that he has investigated a few property maintenance complaints.

Mayor Wordelmann indicated that the Village of Lakewood will need to advise the owners of the known short term rental properties of the new local law, requesting that they apply for a zoning permit to do so.

Trustee Di Salvo asked Building Inspector Swanson how long has it taken to

conduct an inspection of a short term rental property.

Mr. Swanson said it depends on the size of the house, but generally it takes about thirty minutes.

Trustee Di Salvo then asked Building Inspector Swanson what he thought were the major issues facing the Village of Lakewood from a Code Enforcement Officer's perspective and if he intends to institute a plan to address some of the building maintenance issues.

Mr. Swanson indicated to Trustee Di Salvo he is getting acclimated to the position and early on has concentrated on conducting necessary inspections and will eventually address the property maintenance issues that exist but it is going to take some time. Mr. Swanson said he intends to work with the property owners when it comes to enforcing property maintenance standards, adding it is something that doesn't happen overnight. Mr. Swanson said he will initially concentrate his efforts with respect to property maintenance to Fairmount Ave., Chautauqua Ave. and other properties that are in major disrepair.

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Trustee Di Salvo indicated to Mr. Swanson that he concurs with his approach to address the property maintenance issues and asked if sometime soon they could tour certain areas in the village that Trustee Di Salvo believes are in need of some code enforcement measures.

Trustee Di Salvo asked Mr. Swanson if he would be adverse to providing members of the Board of Trustees with a monthly report containing information on permits issued, inspections conducted, property maintenance issues addressed, etc. which will keep officials apprised of the work you are doing.

Building Inspector Swanson indicated he is in the process of trying to format such a report and will be happy to provide Mayor Wordelmann and the Board of Trustees with a monthly activity report.

RECESS

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

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

PUBLIC HEARING - 6:45 PM  
PROPOSED LOCAL LAW #4-2014  
PROPOSED AMENDMENTS & REVISIONS  
TO THE LOCAL ZONING LAW

Mayor Wordelmann opened the public hearing by asking the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper.

Mayor Wordelmann then briefly explained how the Village of Lakewood arrived

at this point in the process to amend and revise its current zoning law. About a year and a half ago he appointed a zoning law review committee comprised of Planning Board Chairman Jon Pearson, Deputy Chairman Herbert Hern, Zoning Board of Appeals Chairman William Chandler, Zoning Board of Appeals member Myra V. Blasius, Village Attorney Edward P. "Tad" Wright, Trustee/Deputy Mayor Susan F. Drago, Building Inspector Charles L. Smith, Village Clerk Joseph M. Johnson, along with himself. Mayor Wordelmann said it was great to have the input from members of the respective review boards because they are asked to interpret it and act on it accordingly. There were also contributions from the zoning sub-committee made up of Trustee Di Salvo and Trustee Jablonski. Mayor Wordelmann then wished to thank members of both committees for their time, energy and service to the community during this process.

Mayor Wordelmann said first and foremost the committee addressed the issues related to the various moratoria that were put in place regarding signs, storage structures, vehicle sales and adult novelty stores. The committee then reviewed the entire zoning law line by line and in the process made suggestions to amend and revise it as needed.

Ms. Nancy G. Bargar, 11 West Terrace Ave., asked Mayor Wordelmann if he could summarize the amendments and revisions to the zoning law that are being considered at this evening' public hearing.

Mayor Wordelmann said it would be difficult to summarize all the changes being considered however some of the major changes or revisions relate to the four moratoria he mentioned earlier. He noted that residents have had a chance to review the revised document, which has been available for inspection at the Clerk's Office for over a month now.

Trustee Jablonski asked Mayor Wordelmann why a car port is considered an accessory structure and a garage isn't.

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Mayor Wordelmann said the committee did discuss that particular definition in detail and it was the consensus of the panel that a garage whether attached or detached goes hand in hand with the residence or principal structure and therefore should not be considered an accessory structure.

Trustee Di Salvo said it is standard language that any accessory use to the principal building would be considered an accessory structure and by definition a garage would be considered an accessory use and therefore an accessory structure.

Village Attorney Wright indicated during earlier discussions it was determined to exclude garages from being considered accessory structures with respect to the zoning law.

Trustee Jablonski said he appreciates all the work the zoning law review committee did however he would like to encourage the Board of Trustees to consider three (3) amendments to Section #25-49, [Signs] of the zoning law that the planning sub-committee first recommended for review and consideration last October. Trustee Jablonski ask that a statement of purpose to be added to the beginning of this section. Secondly, a landscaping plan should be required when establishing any freestanding signs. Thirdly, internally lit advertising signs shall only be permitted in the B-2, Highway

Business District from Shadyside Ave. east to Mall Blvd. as a means to restore the Village of Lakewood's unique character and thereby promote the village as a shopping, working and living destination.

Mayor Wordelmann indicated that he presented the planning sub-committee's signage recommendations to the review committee however they felt the section on signage was sufficient and it was thought that anything to do with landscaping should fit in elsewhere in the zoning law.

Trustee Drago indicated to Trustee Jablonski that she and other members of the committee didn't feel it necessary to list a separate statement of purpose for each section of the zoning law.

Trustee Jablonski said he is pleased that digital signs have been prohibited under this proposal however he would like an explanation as to why the committee didn't approve the sub-committee's recommendation regarding internally lit signs versus externally lit signs.

Village Attorney Wright indicated to Trustee Jablonski he would like to clarify the matter regarding the statement of purpose question. It was decided that because the Village of Lakewood is made up of a number of various districts to note a single statement of purpose clause in the beginning of the zoning law rather than have a number like statements for different districts or sections throughout the zoning law.

Trustee Di Salvo wanted to make it known that there are statements of purpose listed in other sections of the zoning law and agreed that statements of purpose might not be necessary at the beginning of each district or section. Because the section on signs deals with design issues and the overall character of the village he believes a statement of purpose should be considered at the beginning of the section on signs.

The requirement that a landscaping plan be submitted when applying for a free standing sign permit, as recommended by the zoning sub-committee, is something as a developer would want to know what to expect and doesn't agree that this request would be overly onerous. Trustee Di Salvo said what the sub-committee laid out isn't asking a lot and are guidelines and speaks to how we want our village to look like.

Mr. Joseph Troche, 19 Winchester Road, indicated that when he was a member of the Board of Trustees, we required a developer to improve the landscaping in front of their business. He then asked if developers are required to landscape around free standing signs.

Village Attorney Wright indicated that although a landscaping plan for signs might not be required the developer could include it when submitting the landscaping plan for the particular business.

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Mayor Wordelmann explained to Trustee Di Salvo and Trustee Jablonski that the zoning law review committee discussed your suggestions at length, and just as some committee members didn't get what they wanted included in the revisions, it is a case not everyone gets their way.

Trustee Di Salvo said it has never been about of getting our way but rather

what is best for the Village of Lakewood. Trustee Di Salvo wished to second the comments made by Trustee Jablonski, by commending the entire zoning law review committee for their effort and time. These suggestions just enhance what has already been done by the committee.

Trustee Jablonski said he is disappointed that there was never any reason given for why the committee didn't agree with his argument against internally versus externally lit signs. It is his opinion that internally lit signs is not a good look for the Village of Lakewood.

Zoning Board of Appeals Chairman William Chandler indicated to Trustee Jablonski the committee looked closely at both types of monument signs, using the Lakeside Laundromat and Tim Hortons as examples of each type. The committee agreed that both signs were attractive and decided it wouldn't be fair or appropriate to not allow one type or the other.

Trustee Jablonski said it is his opinion that externally lit signs are more in tune with the character of the Village of Lakewood than an internally lit sign, adding there is no reason for internally lit signs. It will be up to the Board of Trustees if they wish to include that particular section or not.

Mr. Troche indicated the Board of Trustees has the last say on this matter.

Trustee Di Salvo said it is helpful to have some information before hand, so the developer has some idea as to what the Board of Trustees may expect of them and what would be acceptable. Again, these suggestion are just guidelines.

Ms. Nancy Bargar, said she doesn't mean to get off on a tangent, but the Village of Westfield and the Town of Ellicott stand out as having design standards in place for developers to follow and this speaks to the comments made by Trustee Di Salvo. Developers want to cooperate with local municipalities but without any standards in place there is nothing to cooperate with or to follow. Without any standards in place, be prepared.

Mayor Wordelmann said the examples used by Ms. Bargar aren't a fair comparison because the Village of Lakewood is a completely different community than the Village of Westfield or the Town of Ellicott. Mayor Wordelmann argued that the business districts in the Village of Westfield when compared with the Village of Lakewood's are totally different and quite frankly the Town of Ellicott has chased away a number of businesses over the years. Mayor Wordelmann said because the local manufacturing jobs of yesteryear are gone, there are very choices of how incomes are made and we must count on the tourist dollar. There is a fine line of having a zoning law in place that welcomes new business versus of having a more restrictive zoning law in place that discourages new businesses. The amended and revised zoning law as proposed is improved but not to the extent everyone wanted. Everyone wants to live in a community with a set of rules that are enforceable but not too suffocating.

Trustee Jablonski said it is his opinion it would be less expensive for a business owner to consider other options for signs rather than decide on an internally lit sign. What has occurred in the Village of Lakewood over the past thirty years has negatively impacted its former small village character. Trustee Jablonski said he would hate to lose this opportunity to create some design standards for the village that could restore some of its character.

Trustee Di Salvo said having design standards does cost money however he

believes it pays off big dividends in the long run.

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Trustee Di Salvo said he believes he and Trustee Jablonski are not asking too much to include some landscaping guidelines in the revised zoning law. Eventually, some design guidelines are going to be a must for the Village of Lakewood when welcoming new businesses to the area as well as trying to retain the character of Chautauqua Ave. Developers want to know that their investment is going to be protected and design standards/guidelines does just that.

Mayor Wordelmann indicated to dictate what type of signs are allowed might not be agreeable to some developers or business owners.

Ms. Bargar told Mayor Wordelmann that he would be surprised at how many franchises do indeed comply with other community's zoning laws. If a particular franchise wants to be located within a certain community bad enough, they will gladly comply with any and all design standards that have been established.

Village Attorney Wright said one big change with respect to signage that has slowly taken place here in Lakewood is the idea to get away from pylon signs by encouraging monument type signs.

Zoning Board of Appeals Chairman Chandler said both type of signs can be attractive and depending on what type the developer wants we would like to be able to support that choice.

Trustee Jablonski said he disagrees and believes it is up to residents to have a vision in deciding what their community should look like. The reason we want to be different is we don't wish to look like "Anywhere USA".

Trustee Di Salvo said without a plan and a vision we end up guessing what is best for the community.

Mayor Wordelmann said we aren't here this evening to discuss vision and planning but rather the proposed changes to the local zoning law.

Trustee Di Salvo indicated he begged to differ, saying vision and planning has everything to do with zoning matters. His training taught him to first form a plan and then to adopt laws supporting the plan. Also, it is not about getting "our way" but rather offering up some suggestions that will improve on what the zoning law review committee has already done.

Trustee Drago said it was the committee's decision not to embrace all the changes recommended by Trustee Jablonski and Trustee Di Salvo adding some were too cumbersome. Secondly, the committee believed that it wasn't necessary to include guidelines for landscaping around all new signs in the zoning law. Thirdly, it was just a difference of opinion when it came to discussions involving internally lit signs versus externally lit signs. Businesses should have an option when it comes to signage rather than have the municipality tie the hands of business owners.

Mr. Gene Johnson, 319 East Terrace Ave. indicated during his travels he has noticed that many national franchises have gone to the monument type of sign.

Trustee Jablonski also said he is not happy with the section of the revised zoning law dealing with sediment control saying it is not comprehensive enough, and it is something he would like to revisit when the site plan review process is discussed.

Motion by Trustee Denn, seconded by Trustee Drago, per the recommendation of Mayor Wordelmann to close the public hearing and to reopen the regular meeting of the Board of Trustees.

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

JULY 14, 2014 (CONTINUED)

RESOLUTION #41-2014-2015 - ADOPT LOCAL LAW #4-2014 - AMENDMENTS & REVISIONS TO CHAPTER #25 - [ZONING] OF THE VILLAGE CODE

Motion by Trustee Denn, seconded by Trustee Drago, for the Board of Trustees to adopt Local Law #4-2014 - which includes amendments & revisions to Chapter #25 [Zoning] of the Village Code, as recommended by the nine member zoning law review committee and zoning sub-committee.

Adopted: 3 ayes, (Wordelmann, Denn, Drago), 2 nays (Di Salvo, Jablonski)

REPORTS (CONTINUED)

Trustee Jablonski said he had a question regarding the proposed car wash and express lube being proposed by Mr. William McFadden and wondered if he has submitted a final landscaping plan.

Building Inspector Jeff Swanson indicated that Mr. Charlie Smith issued Mr. McFadden permits to commence construction of his proposed car wash and express lube.

Trustee Di Salvo indicated last fall Mr. McFadden implied he would be submitting a detailed landscaping plan for this project and would be receptive to suggestions made by the tree committee or the Board of Trustees. Trustee Di Salvo said he hasn't seen a final landscaping plan yet and if one had been submitted to Mr. Smith he hasn't seen it.

Trustee Jablonski suggested that the Board of Trustees issue a stop work order in connection to this project.

Village Attorney Wright said he is somewhat apprehensive about issuing a stop work order without first finding out if the developer is in compliance or not. It wouldn't be a good idea to blindly issue a stop work order that could create a liability for the Village of Lakewood if indeed they are compliant. Mr. Wright said the matter should be investigated prior to taking any action.

Mayor Wordelmann said because the proposed car wash/express lube building is less than 5,000 sq. ft. in size, site plan review is not required.

Mr. Swanson said he will gladly review Mr. McFadden's plans first thing tomorrow.

Trustee Di Salvo said he is in receipt of a letter from the owners of 7

Glenwood Ave. regarding the sub-standard condition of 5 Glenwood Ave. and wondered if Mr. Swanson was in a position to comment on that particular property maintenance complaint.

Building Inspector Swanson said he has contacted the property owner who informed him that the house is on the market. Since then the front lawn has been mowed but Mr. Swanson said he has requested that the remaining debris from the recent demolition of the garage be removed from the site and added he will continue to monitor the property.

REVIEW SPECIAL USE PERMIT (FENCE) APPLICATION  
105 WINCHESTER ROAD

Mr. P. Scott Sawyer, 105 Winchester Road, applied for a special use permit regarding a proposal to erect 48 lineal feet of 6 ft. solid white vinyl fencing parallel to his easterly/rear boundary line, however failed to attend the public hearing held June 23, 2014 on the matter.

Mayor Wordelmann asked Mr. Sawyer to briefly explain his proposed fencing project.

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Mr. Sawyer indicated that the grade of his property is a little bit lower than his neighbor's and is hopeful the fence as proposed will provide some much needed privacy. Because his property is low it is a collection area for surface water. Mr. Sawyer said he has done a lot of drainage work since acquiring the property. Mr. Sawyer said he has provided signed statements from his easterly neighbors who have no objection to his fencing as proposed.

RESOLUTION #42-2014-2015 - APPROVE SPECIAL USE PERMIT (FENCE) APPLICATION

Motion by Trustee Drago, seconded by Trustee Di Salvo, to grant/approve the Special Use Permit application as submitted by Mr. P. Scott Sawyer, 105 Winchester Road, whereby he will be allowed to erect 48 lineal feet of 6 ft. high white vinyl fencing parallel to his easterly/rear boundary line in accordance with Section #25-51, [Fences] of the Village of Lakewood Zoning Law.

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

RESOLUTION #43-2014-2015 - APPROVE OFFICE CLEANING CONTRACT

Motion by Trustee Jablonski, seconded by Trustee Drago, for the Board of Trustees to approve the current office cleaning contract between the Village of Lakewood and Southwestern General Maintenance, Lakewood, N.Y., whereby the contractor will provide janitor services at the fire station three times per week, at \$ 45.00 per cleaning session and the Anthony C. Caprino Municipal Building, three times per week at \$ 50.00 per cleaning session. The cleaning contract shall be for a term of one (1) year and renewable on June 1<sup>st</sup>.

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

RESOLUTION #44-2014-2015 - APPROVE BOND ANTICIPATION NOTE

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft and Village Attorney Edward P. "Tad" Wright to prepare a Bond Anticipation Note (5 year renewable - 1 year maturing BAN) in the amount of \$ 110,000.00 at 2.09% to finance the purchase of a new 2014 John Deere 544 loader, (\$ 53,786.00) and the purchase of the remaining building materials for the new Department of Public Works storage facility, (\$ 56,214.00), to include heating, electric, plumbing, etc. Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #45-2014-2015 - SET TIME AND DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Denn, per the recommendation of Mayor Wordelmann, to set 6:45 PM, Monday, July 28, 2014, as the time and date to conduct a public hearing to review a Special Use Permit - (Fence) application as submitted by Mr. Jason Thornley, 101 Nicholas Ave. Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

POST RETIREMENT EMPLOYMENT DISCUSSION

A resolution has been introduced by Mayor Wordelmann to hire outgoing Building Inspector Charles L. Smith as a consultant during the position's transition period at an hourly rate of \$ 32.87, with the understanding that Mr. Smith shall not work more than eight hours per week without Mayor Wordelmann's approval.

Trustee Di Salvo questioned whether the Village of Lakewood should continue to pay for Mr. Smith's health insurance following his recent retirement.

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Trustee Jablonski then questioned if Mr. Smith will be providing the Village of Lakewood with Certificates of Insurance to ensure that he has the necessary insurance coverage so the Village of Lakewood would not be liable if the services rendered ever come into question.

Village Attorney said he has a couple fundamental questions relating to Mr. Smith's continued employment as a consultant for the Village of Lakewood. Is the village just going to reduce his hours? If so, he would continue to be covered by his health insurance plan with the Village of Lakewood and he would be covered by the Village of Lakewood's liability coverage. If brought back as a consultant he would qualify for health insurance through the COBRA law.

Mayor Wordelmann indicated that Mr. Smith was involved with a number of projects and would be able to offer Mr. Swanson some insight and guidance as these projects move forward.

Trustee Di Salvo said he was under the impression that Mr. Smith was being brought back as a private consultant in that he has already resigned from his position. If he is brought back the Village of Lakewood should not be responsible for his health insurance.

Village Treasurer Andrea J. Windoft said it needs to be decided if Mr. Smith is going to be paid through payroll or as a contractor and issue him a 1099 Form.

Trustee Di Salvo suggested that Mr. Smith be asked to provide the Village of Lakewood with a labor contract agreement.

Trustee Denn said he would like Mr. Smith to submit a letter of resignation.

Village Attorney Wright said it boils down to how the Board of Trustees wish to deal with Mr. Smith's post retirement employment through the transition period, whether it be as an employee or an independent contractor. Either way his hours can be regulated. Ramifications include health insurance and/or producing a contract and proof of liability insurance.

Trustee Jablonski said he would rather have Mr. Smith as an independent contractor so as to terminate his health insurance coverage.

#### RESOLUTION #46-2014-2015 - AGREE TO HIRE INDEPENDENT CONTRACTOR

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, to hire Mr. Charles L. Smith as an independent contractor during the transition of the Building Inspector position at a rate of \$ 32.87/hr., for a maximum of eight hours per week up until September 1, 2014. Any work above the eight hour maximum must be approved by Mayor Wordelmann and Mr. Smith shall be required to show proof of liability insurance coverage. Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

#### GO ON RECORD OPPOSING A PROPOSED PILOT PROGRAM

Trustee Jablonski, after reading a recent legal notice from the Chautauqua County Industrial Development Agency, Jamestown, N.Y., would like for the Village of Lakewood to consider going on record opposing a PILOT (payment in lieu of taxes) program that is being formulated in connection with a proposal by a developer to construct a one hundred sixteen unit senior housing facility on Southwestern Drive in the Town of Busti. Although the concept to provide housing for senior citizens is a good one, Trustee Jablonski, as a town and school district taxpayer, doesn't believe this project should receive the maximum tax break. Trustee Jablonski also said it is unfair competition to other area senior housing facilities that have paid their fair share of taxes.

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The proposed facility will likely have an impact on the local volunteer fire departments with respect to emergency medical service alarms that are answered. Trustee Jablonski said he would like for the Board of Trustees to go on record of opposing such a large tax break but would favor a tax break in the neighborhood of 25%.

Building Inspector Swanson said the developer appeared at a recent Town of Busti Planning Board meeting at which some opposition to this project was voiced.

Trustee Drago indicated although she agrees in theory with what Trustee Jablonski said, she has too many questions at this time to go on record opposing this PILOT plan.

RESOLUTION #47-2014-2015 - OPPOSE PROPOSED PILOT PROGRAM

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, for the Village of Lakewood to encourage Town of Busti Supervisor Jesse Robins and the Town Board to oppose the maximum tax abatement program that the Chautauqua County Industrial Development Agency has introduced in connection with a proposal to construct a 116 unit senior housing development on Southwestern Drive.

2 ayes, (Jablonski, Di Salvo), 3 nays (Wordelmann, Drago, Denn)

Ms. Nancy Bargar told Mayor Wordelmann she and others would like an opportunity to speak to things that are listed on the agenda before a vote is taken by the Board of Trustees. She said as Vice President of a local property management company, she would have liked to represent her family's position on the matter. Her family has diligently paid their property taxes on real estate for the past fifty to sixty years and is disappointed that the Village of Lakewood isn't going on record opposing this proposed PILOT plan.

Mayor Wordelmann told Ms. Bargar this matter is not a village issue, it is a Town of Busti issue. Although the Village of Lakewood is part of the township we are not the governing body of the Town of Busti. It is not the time or place yet to comment on something most members of the Board of Trustees just learned about this evening. As Trustee Drago stated, there are too many unanswered questions regarding this project for the Board of Trustees to make a comment at this time.

Trustee Jablonski then asked for Mayor Wordelmann to meet with Supervisor Robbins in order to gather some more information on this project.

Ms. Carol Darling appeared before Mayor Wordelmann and members of the Board of Trustees to briefly explain efforts to market her properties at 31 & 35 Ohio Ave. and 32 & 33 Pennsylvania Ave. Over the years the properties have been vandalized and recently met with Police Chief Bentley and was assured the street would be patrolled. Ms. Darling said a painting contractor is expected to be on site soon to paint some trim and doors. Ms. Darling also said she met with Building Inspector Swanson who has agreed to work with her on efforts to improve the properties.

Ms. Rebeca Morales, 27 Ohio Ave., said she was disappointed to read in the minutes of a previous board meeting that neighbors had some issues with how the property was being maintained and wished someone had approached her and asked questions. As far as the trash in her back yard, Ms. Morales said she was just storing it there until she could put it out front for the annual junk pick-up in June. She let Mayor Wordelmann and the Board of Trustees know she is trying to make improvements to her home but doesn't have the resources to do everything right away. Ms. Morales said she has applied for home improvement funds through her employer Chautauqua Opportunities and CHRIC.

Building Inspector Swanson said he will be glad to work with Ms. Morales.

JULY 14, 2014 (CONTINUED)

Motion by Trustee Denn, seconded by Trustee Di Salvo, and unanimously carried the Board adjourned at

8:34 PM.

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Joseph M. Johnson  
Village Clerk