

APRIL 22, 2013

The second regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, April 22, 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, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent was Department of Public Works Supervisor Thomas R. Pilling.

#### MOMENT OF SILENCE

Mayor Wordelmann asked everyone to remain standing following the pledge of allegiance to observe a moment of silence to remember those who lost their lives and others who were injured this past week at the Boston marathon bombing, the alleged double homicide in Frewsburg, N.Y. and the explosion at the fertilizer factory in Texas.

#### OATH OF OFFICE

Newly elected Village Trustee David J. Di Salvo took the ceremonial oath of office administered by Village Clerk Joseph M. Johnson.

#### ANYONE TO BE HEARD

Dr. Rudolph J. Mueller, 7 Sunset Ave., suggested to Mayor Wordelmann and the Board of Trustees that they should consider dredging the northerly end of Crescent Creek which would allow additional sediment to build up in the creek bed rather than have it enter Chautauqua Lake. Dr. Mueller also asked Mayor Wordelmann if the Village of Lakewood has endorsed the Chautauqua Lake Management Plan. Dr. Mueller indicated the plan includes many wonderful recommendations for lakeside communities to follow. He added the Chautauqua Lake needs all the help it can get.

#### 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 and its annual organizational meeting held April 8, 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 date April 22, 2013 be approved and that the Clerk shall execute said abstracts (#47 & #48) and direct payment by the Treasurer. General Fund: \$ 43,998.68, (Checks #9554 thru #9590), Trust & Agency Fund: \$ 52,705.58, (Checks 2441 thru #2454)

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

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## REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has answered three thousand ninety three reportable incidents year-to-date and that a couple of officers on the Forensic Investigation Team (FIT) assisted the Chautauqua County Sheriff's Department at the scene of the alleged double homicide last week in Frewsburg, N.Y. Police Chief Bentley indicated that burglaries throughout the township are on the rise and reminded residents to secure their homes and property.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to two hundred thirty-one alarms year-to-date. Chief Hallberg reminded Mayor Wordelmann and the Board of Trustees that this Saturday, (April 27<sup>th</sup>) and Sunday, (April 28<sup>th</sup>), the Lakewood Volunteer Fire Department will be having an open house from 10:00 AM to 2:00 PM each day as part of the Volunteer New York program which is a recruitment tool to attract more volunteers into the ranks of local emergency medical service (EMS) and/or fire service.

Trustee Di Salvo asked Fire Chief Hallberg a couple questions regarding patient transport. Trustee Di Salvo said he recently noticed an All-Star ambulance at the scene of an emergency medical service call and asked how the transport of the patient played out.

Fire Chief Hallberg said typically the Lakewood Volunteer Fire Department will conduct patient transports when an EMT is on the scene. In this particular case there wasn't an EMT available and therefore All-Star ambulance service was asked to assist. In some cases when an EMT is not available and All-Star ambulance service is called to assist an EMT will arrive at the scene and will accompany the patient in the Lakewood Fire Department's ambulance to the local hospital.

Trustee Di Salvo indicated to Chief Hallberg it is his understanding that if All-Star ambulance service conducts a patient transport they are reimbursed for this service. He asked Chief Hallberg if the Lakewood Volunteer Fire Department charges for patient transport and if not has there been any discussion about the possibility of charging for patient transport services.

Chief Hallberg indicated to Trustee Di Salvo there has been some discussion about charging for patient transports in that some other local volunteer fire departments are doing just that. Chief Hallberg indicated there are a number of ways how to charge patients that are transported to WCA Hospital and that he and others are in the very early stages of discussion on which direction they might go.

Mayor Wordelmann indicated one of the methods in charging for patient transport is to charge only those whose permanent addresses are outside of the fire district. Mayor Wordelmann said about sixty percent of those transported are non-residents.

Fire Chief Hallberg noted that the Lakewood Volunteer Fire Department is a "daytime fire department" wherein the population of the village swells during the day within the commercial corridor along East Fairmount Ave. namely at Wal-Mart and the Chautauqua Mall.

Village Treasurer Andrea J. Windoft reported that to keep the idea of a dog park alive she has respectfully requested some financial assistance from Pet Smart, Home Depot, Wegman's, Dad's Dog Food and Wal-Mart. Village Treasurer Windoft asked Mayor Wordelmann and members of the Board of Trustees if they are willing to endorse the idea of a dog park on village owned property across from the community boat launch?

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Mayor Wordelmann indicated that Village Treasurer Windoft has come up with the great idea to make use of the property on East Terrace Ave. as a community dog park. Establishing a fenced-in area where residents can take their dogs has been done in other communities across the country with much success. Mayor Wordelmann said the major expense of the proposed dog park will be the cost of the fence.

Building Inspector Charles L. Smith reported that he recently received a phone call from the owner of the plaza in which the much talked about adult novelty store was proposing to go into. Mr. Smith said he was told by the plaza owner Mr. Michael LaTone, that he will not be executing a lease for that particular tenant. Mr. Smith said so for now, that particular issue is off the table.

Trustee Jablonski asked Building Inspector Smith if he could kindly update him on the situation involving the three trees that were recently cut down in front of the Valu Home Center, 280 East Fairmount Ave.

Building Inspector Smith said he spoke with Mayor Wordelmann about this matter and it was decided that if a business wished to trim or remove any trees along Rt. 394 they would have to contract an arborist to inspect the trees and draft a plan that would be submitted to the Board of Trustees for their review.

Mayor Wordelmann indicated that the trees planted along Rt.394 when the roadway was reconstructed back in the early 1990's were turned over by New York State to the local municipality. He added a few businesses have asked the Village of Lakewood for permission to trim and/or remove a tree or two the past couple of years. The Village of Lakewood recently received a letter from Valu Home Center asking for permission to cut down two additional trees in front of their plaza and stated that they would be happy to plant some new trees in their place.

Mayor Wordelmann indicated that a strong letter will be sent to Valu Home Center asking that they do not remove any more trees from in front of their plaza and that new trees be planted in place of the three that were recently cut down. Mayor Wordelmann suggested that letters be sent to all businesses along Rt. 394 to let them know if they wish to remove any of the trees within the public right-of-way they would have to hire an arborist at their expense to submit a report to the Village of Lakewood stating as to why a tree or trees need to be trimmed or cut down.

Building Inspector Smith suggested that Valu Home Center be asked to submit a plan for review by the Board of Trustees to replace in kind the trees which were removed by their private contractor a couple of weeks ago.

Trustee Di Salvo indicated that it might be a good idea to solicit some information regarding this matter from the tree committee and said he would feel more comfortable if the Village of Lakewood had its own arborist.

Village Attorney Edward P. Wright indicated the trees in question are owned by the Village of Lakewood and there are provisions in the law that state one can not cut down someone else's trees, and if one does they can be liable for damages. A disincentive for doing what Valu Home Center did is that a business would have to contract an arborist at their expense and to submit a report justifying as to why they want trees removed from in front of their business.

Mayor Wordelmann indicated the whole idea is to try to maintain the existing green space along Rt. 394.

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Trustee Di Salvo indicated when the Board of Trustees revisits the Village of Lakewood's Zoning Law later this year landscaping plans should be a part of the discussion when considering amendments to the zoning law. Also, the tree committee should be called upon to make any recommendations with respect to a village tree ordinance.

Trustee Jablonski asked Building Inspector Smith how far along is the Olive Garden restaurant with their landscaping plans and if he would check the species of the trees already planted to make sure they match what was noted on the plans. Trustee Jablonski said he thought Darden Restaurants agreed to plant a few additional larger trees within the green space along the road.

Mr. Smith indicated that it appears the proposed landscaping plan is about 70% completed and that he will compare what has been planted with what was indicated on the landscaping plan for the restaurant.

Trustee Drago asked Building Inspector Smith if he has received any landscaping plans from Mr. Larry Spacciapolli for his used car dealership at 373 East Fairmount Ave.

Mr. Smith indicated that Mr. Spacciapolli said he will submit a landscaping plan before he does any work on the property.

Mr. Joseph Troche, 19 Winchester Road, indicated to Mr. Smith that he thought Mr. Spacciapolli was going to install a monument sign when in fact he has just lowered the existing pylon sign.

Mr. Smith told Mr. Troche he will take a look at it.

Mayor Wordelmann asked Building Inspector Smith about the situation where boat lifts are being displayed between the Valu Home Center and the KFC/Taco Bell restaurant.

Building Inspector Smith indicated to Mayor Wordelmann that Mr. Jack Scalise, the property owner, has submitted an application for a use variance that will be reviewed by the Zoning Board of Appeals at their next regular meeting scheduled for Thursday, May 9<sup>th</sup>.

Trustee Jablonski suggested that Mr. Smith make sure that the boat lifts on display do not block a clear sight line for motorists utilizing the exits at KFC/Taco Bell and the Valu Home Center.

COMMITTEE REPORTS

Mayor Wordelmann said he and newly elected Trustee David J. Di Salvo recently had a conversation and within that conversation Trustee Di Salvo suggested that the Village of Lakewood consider forming an additional committee that would strictly review only planning and zoning issues.

Trustee Di Salvo indicated he and Mayor Wordelmann talked about the possibility of forming additional committees in order to deal with specific issues. He said it is his opinion that the entire zoning law needs to be rewritten and that other parts of the Village Code should be included in the local zoning law. Right now he would like to concentrate his efforts on planning and zoning issues in that the Town of Busti is in the process of developing its comprehensive plan for the entire township. Trustee Di Salvo said the newly formed committee could chase any grant money that might be available and through these committee he is hopeful more citizens will be willing to participate in the process.

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RESOLUTION #9-2013-2014 – APPOINT NEW VILLAGE OF LAKEWOOD COMMITTEE

Motion by Trustee Denn, seconded by Trustee Jablonski, to confirm Mayor David T. Wordelmann's appointment of Trustee David J. Di Salvo and Trustee John Jablonski, as members of the newly formed Planning & Zoning Committee with Trustee Di Salvo serving as its Chairman.

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

Mr. Troche asked Mayor Wordelmann what authority will this new committee have with respect to the current Lakewood Planning Board and/or the Zoning Board of Appeals.

Mayor Wordelmann indicated to Mr. Troche that this new committee will strictly be advisory in nature with respect to any planning or zoning issues that may surface.

Trustee Jablonski asked Mayor Wordelmann what is the Village of Lakewood's position with respect to the storm water management/erosion control regulations and site plan review process that have been introduced through the Chautauqua Lake Inter-Municipal Committee and wondered if he had any discussions with staff from the Chautauqua County Planning & Economic Development Department concerning these issues.

Mayor Wordelmann indicated to Trustee Jablonski that he and Building Inspector Charles L. Smith met with Senior Planner Don McCord and Dave Wilson from the Chautauqua County Soil & Water Conservation District a week ago and reviewed the entire set of regulations developed by the Chautauqua Lake Inter-Municipal Committee. They are documents that the Board of Trustees will review for approval.

Building Inspector Smith said he thought they best incorporated into the local zoning law when it is reviewed later in the year.

Mayor Wordelmann indicated that he would like to make the new regulations fit our community.

Building Inspector Smith indicated that Mr. McCord is putting together some training programs and Mr. Wilson will provide technical support as needed.

Mayor Wordelmann indicated that he and Building Inspector Smith thought the group to review the zoning law and to suggest amendments to it should be made up of two members from the Board of Trustees, two members from the Planning Board, two members from the Zoning Board of Appeals, Village Attorney Wright, Building Inspector Smith and the Village Clerk.

RESOLUTION #10-2013-2014 – ADOPT 2013-2014 TENTATIVE VILLAGE BUDGET

Motion by Trustee Denn, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann for the Board of Trustees to adopt the Village of Lakewood's tentative budget in the amount of \$ 3,270,062.00 for the fiscal year of June 1, 2013 – May 31, 2014, making appropriations for the conduct of Village government and establishing the rate of compensation for its elected officials which will remain at the previous year's rates, {Mayor: \$ 7,500.00, Trustees: \$ 3,500.00};

WHEREAS the Board of Trustees conducted a public hearing on the tentative budget at the time and specified in the notice of public hearing and heard all persons desiring to be heard;

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THEREFORE BE IT RESOLVED that the tentative budget as presented and reviewed hereby be adopted.

NOTE: The newly adopted budget reflects a tax rate of \$ 7.53/1,000 assessed valuation which is an increase of \$ .23/1,000 assessed valuation when compared with last year's budget.

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

RESOLUTION #11-2013-2014 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Denn, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 587.53 from Account #M230/M815, [Unemployment Insurance Fund], to the Parks Salaries Account #A-7140.10, to pay for unemployment insurance for a former Parks Department employee.

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

RESOLUTION # 12-2013-2014 – AUTHORIZE FIRE SHOW ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Jablonski, that the Board of Trustees acting as the Board of Fire Commissioners, authorize Fire Chief Kurt W. Hallberg and Fire Captain Paul Taber to attend the Lancaster County Fire Show & Expo. in Harrisburg, PA, May 16<sup>th</sup> – May 19<sup>th</sup>. Chief Hallberg and Captain Taber shall be reimbursed for any and all legal expenses incurred.

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

RESOLUTION #13-2013-2014 – AUTHORIZE HAZ-MAT CONFERENCE ATTENDANCE

Motion by Trustee Denn, seconded by Trustee Drago, that the Board of Trustees acting as the Board of Fire Commissioners, authorize Fire Department member Daniel Imfeld to attend the annual Hazardous Materials Conference in Hunt Valley, Maryland, June 6<sup>th</sup> – June 9<sup>th</sup>. Mr. Imfeld shall be reimbursed for any and all legal expenses incurred.

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

RESOLUTION #14-2013-2014 – APPROVE 2013 DOCK PERMIT APPLICATIONS

Motion by Trustee Drago, seconded by Trustee Di Salvo to approve the 2013 Dock Permit applications as submitted by Todd W. Anderson, 180 Front St. for the Woodlawn Ave. right-of-way and Chuck Leonard, 20 Case Ave., for the Maple Ave. right-of-way. Trustee Di Salvo asked Mayor Wordelmann if any dock permit fees are collected by the Village of Lakewood. Mayor Wordelmann briefly explained the dock permit application process to Trustee Di Salvo and indicated the Village of Lakewood does not collect any fees from the dock permit applicants. Trustee Di Salvo suggested that this service is above and beyond what other taxpayers get for their taxes and thinks it would be reasonable to charge a nominal yearly dock permit fee. Mayor Wordelmann indicated to Trustee Di Salvo that the Village of Lakewood is the only lakeside community which allows docks off its public rights-of-way.

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

APRIL 22, 2013 (CONTINUED)

RESOLUTION #15-2013-2014–TABLE ACTION ON UPDATED PERSONNEL RULES

Motion by Trustee Drago, seconded by Trustee Denn, per the recommendation of Mayor David T. Wordelmann, to table any action on the updates made to the Village of Lakewood Employee Rules & Regulations until such a time each member of the Board of Trustees have had an opportunity to review said updates. The original document which was drafted by Village Treasurer Andrea J. Windoft has worked closely with Trustee Drago in making some revisions to the document. Trustee Drago suggested that the latest revisions and updates be incorporated into the document so each member of the Board of Trustees may review it as amended prior to voting on it.

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

RESOLUTION #16-2013-2014 – APPROVE NEW FIRE DEPARTMENT MEMBERS

Motion by Trustee Denn, seconded by Trustee Drago, that the Board of Trustees acting as the Board of Fire Commissioners to approve Colten Swan, 145 East Terrace Ave., Patrick Hahn, 130 Elizabeth Street and Jack McCray, 16 East Second Street as new members of the Lakewood Volunteer Fire Department.

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

RESOLUTION #17-2013-2014 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Jablonski, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to set 6:45 pm, Monday, May 13, 2013 as the time and date to conduct a public hearing to consider amending the Village of Lakewood Zoning Law in particular placing a moratorium on the issuance of zoning permits, authorizing the establishment of adult novelty stores within the Village of Lakewood.

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

RECESS

Motion by Trustee Denn, seconded by Trustee Jablonski, to recess the regular meeting of the Board of Trustees at 7:23 PM, so as to enter into executive session to discuss some ongoing litigation and the particulars of the proposed police services contract/agreement between the Village of Lakewood and the Town of Busti.

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

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee David J. Di Salvo, Trustee Susan F. Drago, Trustee John Jablonski and Village Attorney Edward P. Wright.

Motion by Trustee Denn, seconded by Trustee Drago to adjourn the executive session and to reopen the regular meeting at 8:16 PM.

APRIL 22, 2013 (CONTINUED)

Motion by Trustee Denn, seconded by Trustee Jablonski, and unanimously carried the Board adjourned at 8:17 PM.

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Joseph M. Johnson  
Village Clerk