

DECEMBER 23, 2013

The eighteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, December 23, 2013 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, Police Chief John R. Bentley, Village Attorney Edward P. Wright, and Fire Chief Kurt W. Hallberg. Absent were Trustee Gale A. Denn, Village Treasurer Andrea J. Windoft, Department of Public Works Supervisor Thomas R. Pilling 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 9, 2013, with the exception of clarifying a statement made by Village Attorney Wright in response to a question posed by Trustee Jablonski.

Adopted: 3 ayes, no nays (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 23, 2013, be approved and that the Clerk shall execute said abstracts (#30 & #31) and direct payment by the Treasurer. Trust and Agency Fund: \$ 66,333.83, (Checks #2745 thru #2769) NOTE: Check #2770 was voided. General Fund: \$ 42,486.04, (Checks #10277 thru #10313)

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

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to ten thousand four hundred thirty-seven incidents year-to-date and that he is working on some fund raising for the K-9 Unit. Approximately \$ 6,900.00 has been raised so far including \$ 100.00 from the Lakewood Rod & Gun Club, Inc., \$ 200.00 from the Lakewood American Legion Post #1286 and \$ 5,000.00 from a local individual. Chief Bentley indicated that he recently contacted the Department of Homeland Security and they are in the process of completing the contract document regarding the federal grant for the K-9 Unit. Chief Bentley also reported that he plans on sending a Part-Time Police Officer, who also happens to be an Emergency Medical Technician (EMT), to a First Aid Trauma School. In doing so the Lakewood-Busti Police Department will qualify to receive \$ 2,600.00 worth of emergency medical service (EMS) equipment. Cost of the First Aid Trauma School is \$ 200.00.

Mayor Wordelmann took a second before Fire Chief Hallberg's report to congratulate him on being re-elected as Fire Chief for the calendar year 2014.

Fire Chief Hallberg reported that the Lakewood Volunteer Fire Department has responded to eight hundred nine alarms year-to-date. Chief Hallberg indicated 2013 is only the third year in which the department has responded to more than eight hundred alarms. There were eight hundred twenty-eight alarms in 2009 and eight hundred seven in 2011. Fire Chief Hallberg wished to take a minute or two to address and clarify the information that was disseminated at the December 4th meeting of local fire and police officials and representatives from the U.S. Coast Guard regarding the mass casualty exercise scheduled for Saturday, February 22, 2014.

DECEMBER 23, 2013 (CONTINUED)

Chief Hallberg said this drill is not meant to inconvenience any area residents or merchants. The exercise, which is only the third of its kind, will be a learning experience for the involved agencies. Originally the exercise was going to be conducted on Lake Erie however the ice condition at that time of the year can be questionable and was therefore changed to Lake Chautauqua. Lakewood was selected as the site for the exercise because it lies in the flight path of planes taking off and landing at the Jamestown airport.

Since September 11, 2001 a nationwide incident command system was developed wherein various agencies work in concert to make sure each phase of an emergency operation runs smoothly. Initially the local fire chief would take on the role of incident commander however as the operation is played out the incident commander changes. At the initial meeting of involved agencies there was never any discussion about closing down the business district along Chautauqua Ave. or a lockdown any nearby residential neighborhoods. Although there will be numerous emergency vehicles taking part in the exercise they will be positioned in specified staging areas rather than creating any bottle necks on area streets.

Fire Chief Hallberg indicated he has had conversations with Police Chief John R. Bentley, Mayor Wordelmann and Chautauqua County Emergency Services Director Julius Leone about the upcoming exercise and is pleased with the anticipated inter-agency cooperation.

Fire Chief Hallberg indicated the article that appeared in today's edition of The Post-Journal is incorrect in that the location of the mass casualty exercise has since been changed from the Yacht Club to the Community Park on East Terrace Ave. Because the site of the exercise has changed the only road that is expected to be temporarily closed will be East Terrace Ave./Lakeside Blvd., from Fairdale Ave. east to Jackson Ave. With the Lakewood Fire Police and Chautauqua County Fire Police overseeing traffic control in the immediate area of the exercise there won't be a need for any additional Police Officers from the Lakewood-Busti Police Department to assist with the traffic detail.

Fire Chief Hallberg indicated it is important that exercises such as the one planned be embraced in a calm and collected manner. The first responders participating in this exercise will gain a wealth of information when handling similar emergencies.

Chief Hallberg indicated he will gladly keep Mayor Wordelmann, the Board of Trustees and the general public apprised of this exercise as soon as more information and details become available.

Mayor Wordelmann indicated to Chief Hallberg that the Lakewood Rod & Gun Club has agreed to allow the Lakewood Fire Department and other participating agencies to make use of its meeting room as an exercise headquarters if the need arises.

COMMITTEE REPORTS

Mayor Wordelmann indicated the zoning law review committee met on December 16th and finalized amendments addressing food trucks and noise ordinances. Mayor Wordelmann said the committee also reviewed and discussed the Village of Bemus Point's rules and regulations regarding vacation/weekly rentals. Mayor Wordelmann indicated the committee hasn't made any decisions regarding of vacation/weekly rentals.

Mrs. Jill Conley, 7 Winchester Road, asked Mayor Wordelmann if the Village of Bemus Point has similar zoning laws to that of the Village of Lakewood.

DECEMBER 23, 2013 (CONTINUED)

Mayor Wordelmann indicated to Mrs. Conley he isn't familiar with the Village of Bemus Point's zoning map however their rules and regulations regarding vacation/weekly rentals are quite strict.

Mayor Wordelmann indicated he was recently contacted by the owner of 108 West Summit Street, who said she has been renting her house out for around fifteen years. It is a case where she wanted to retain the family home, but until she moves back home upon retirement, decided to rent it out to generate additional income. This contentious issue does have two sides which are still being reviewed by the zoning law review committee.

Mr. Peter Conley, 7 Winchester Road, indicated to Mayor Wordelmann that he and the Board of Trustees must consider how many people the house in his neighborhood can accommodate. Mr. Conley said when there are 20 to 25 people partying it is the equivalent of five households partying. He asked for the Board of Trustees to look at this from every angle and be very sensitive to the concerns of those living near a vacation/weekly rental property.

Mayor Wordelmann indicated to Mr. Conley that there should be a limit placed on the number of people that could stay in a particular vacation/weekly rental property, more specifically limiting the number of people per bedroom.

Mrs. Conley asked one last time for Mayor Wordelmann and the Board of Trustees to please consider the integrity of their neighborhood, why those living there chose to live there and why we enjoy living where we do.

Mr. Conley said if vacation/weekly rentals are approved he is fearful there is going to be a change in the climate of their neighborhood and it will be a reflection on the entire village.

Trustee Jablonski reported that he and Trustee Di Salvo recently met with Town of Busti Supervisor Jesse Robbins and Town Councilman Richard Thor discussed the recreation programs that are presently being offered through the Busti Recreation Center. Also discussed was the condition of the building itself, located at 9 West Summit Street and some of its shortcomings, such as expensive to heat and a leaky roof. A decision will need to be made soon to determine if the recreation center can continue to provide its programs or would it be more feasible to combine their recreation programs with other organizations or agencies such as a local church or the YMCA. The Town of Busti officials claim the recreation program is losing money and there is talk about using its reserve fund to remodel the current rec. center or some other facility. They also indicated that the former recreation agreement with the Village of Lakewood has terminated.

Trustee Di Salvo noted that Supervisor Robbins indicated the recreation department's fund balance or reserve fund totals in the neighborhood of \$ 75,000.00 to \$ 80,000.00. Trustee Di Salvo indicated that they also talked about having representation from the Village of Lakewood when decisions concerning local recreation programs are made. Right now all decisions are made by the Town Board and the Rec. Director. Trustee Di Salvo said he and Trustee Jablonski suggested that before any major decisions are made in connection with the Busti Recreation programs and/or facilities it would be a good idea to conduct a public meeting on the matter. Trustee Di Salvo indicated that if the Town of Busti closes on a deal to acquire a new building, an architect from the Buffalo area has agreed to donate his time and expertise to come up with some ideas on its build out and remodel.

DECEMBER 23, 2013 (CONTINUED)

Trustee Di Salvo said their discussion was diverted to the current recreation center and its deed restrictions which require the property to be used as green space or for recreational purposes. It is unknown what the Kiwanis Club of Lakewood's position will be concerning the building and property. If the Town of Busti vacates the site, what happens to the building? Does it become an eye sore, is it demolished and if so at what cost, or could the site be marketed for private development.

Mrs. Conley wished to thank the D.P.W. crew for keeping the sidewalk between the Red Door/Kent Apartments and Hartley Park cleared of snow.

RECESS

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

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

PUBLIC HEARING – 6:45 PM PROPOSED ZONING LAW AMENDMENTS SECTION #25-50 – SIGNS

Mayor Wordelmann opened the public hearing at 6:45 PM and asked the Clerk to read the public hearing notice as it appeared in the Village of Lakewood's official newspaper.

Mayor Wordelmann indicated before he opens the floor for public comments, he wanted to first answer a couple questions posed by Trustee Jablonski at the previous meeting of the Board of Trustees. Mayor Wordelmann indicated that he and members of the committee didn't feel a statement of purpose was necessary for each section of the zoning law. One statement of purpose at the beginning of the zoning law should suffice.

Regarding Trustee Jablonski's question about the need for additional language in Section #25-50, [Signs] requiring a certain amount of landscaping when installing a monument sign that could be accomplished via a new and separate section on landscaping requirements.

Trustee Di Salvo indicated he would have no problem if there was a separate section of the zoning law devoted to landscaping that could be somewhat detailed and a point of reference for commercial developers.

Trustee Di Salvo also noted he would like to refer projects involving green space development to the tree committee, as an advisory board only, for their recommendations and comments. Their advisory role could also be referenced in the proposed tree ordinance.

Trustee Jablonski then suggested that if commercial advertising signs are replaced or changed, this should trigger site plan review and compliance with the landscaping rules and regulations.

Trustee Jablonski said he would like to protect the aesthetic character of the Village of Lakewood by prohibiting any internally lit signs west of Shadyside Ave.

DECEMBER 23, 2013 (CONTINUED)

Mayor Wordelmann indicated that there are a few internally lit signs in that stretch of Fairmount Ave. already.

Trustee Jablonski said he understands that however the amendment would prevent any additional internally lit signs to be erected in that area plus if any signs are changed they would have to comply with the new sign rules and regulations. The question is do we want the business district to look like every other community or do we want it to have a certain character which makes it look better.

Trustee Di Salvo said he and fellow sub-committee member Trustee Jablonski understand that if their suggestions were adopted there would be a handful of non-compliant signs, however to continue to allow internally lit signs in certain areas of the village could become a problem. Trustee Di Salvo said he feels very strongly about this subject and was the reason they proposed a statement of purpose for this particular section.

Trustee Jablonski said he would be in favor of allowing overhanging signs along Chautauqua Ave., which is in the B-1, Retail Business District with appropriate engineering and safety features. Such signs promote a nice character.

Trustee Di Salvo said this particular subject was discussed at the last meeting of the Lakewood Community Development Corporation, noting that John Shedd and University at Buffalo graduate student Travis Gordon were going to put together some sign design standards. Trustee Di Salvo said signage is an important piece of the puzzle when it comes to the redevelopment of Chautauqua Ave.

Mayor Wordelmann then briefly reviewed some of the changes that were suggested by members of the zoning law review committee with respect to Section #25-50, [Signs]. They included changes in the maximum height of signs, display of contractor signs, timeframe for when political signs may be displayed, sandwich board type signs, location of signs, flag type signs, ban commercial electronic variable message signs and removal of signs for former businesses.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 7:20 PM.

PUBLIC HEARING - 7:00 PM
PROPOSED ZONING LAW AMENDMENTS
SECTION #25-44 – AUTOMOBILE SALES

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

Mayor Wordelmann indicated a few minor changes have been proposed for Section #25-44, [Automobile Sales] some of which were based on the newest used auto sales lot at the corner of Fairdale Ave. and East Fairmount Ave. Some of the specifics included lot size, ingress/egress, parking space size, access for emergency vehicles, customer parking, minimum vehicle set-backs, no banners, streamers, spinners, etc., vehicle display areas may only be used for cars, sport utility vehicles and pick-up trucks, use shall only be allowed in sub-zone B-2A and sales offices shall be permanent type buildings. Mayor Wordelmann indicated that the proposed B-2A sub-zone will be located within the B-2 Highway Business District along East Fairmount Ave. from Fairdale Ave. west to Lakecrest Ave. and Mall Blvd. Mayor Wordelmann said a license program would be instituted for those operating new and used car lots with a maximum number of eight to be issued.

DECEMBER 23, 2013 (CONTINUED)

Former Trustee and now Chautauqua County Legislator P.J. Wendel asked Mayor Wordelmann to look into any conditions that may have been set when the Village of Lakewood approved a Special Use Permit for the used car dealership at 151 Chautauqua Ave. a few years back.

Trustee Jablonski asked whether or not certain type of pavers which would provide a permeable surface for storm water infiltration could be used instead of requiring the entire sales lot to be paved.

Village Attorney Wright said that question could be addressed in the definitions section under paving.

Mayor Wordelmann said the intent of the this particular amendment was to require the dealership to provide a parking area surface that consisted of something other than gravel or stone.

Trustee Di Salvo noted that the zoning law review committee elected to include a statement of purpose and intent for Section #25-44, [Automobile Sales], which he agrees with but is contrary to their idea that only one statement of purpose and intent would be necessary at the beginning of the Zoning Law.

Village Attorney Wright indicated if one looked at the zoning code in its entirety is the statement of purpose and intent going to become repetitive and the question arises is there a need for one at the beginning of each section of the zoning law.

Trustee Di Salvo said he agrees however there are certain instances where there is a definite need for a statement of purpose and intent. He would also ask that the section include an article stating that all landscaping must comply with the landscaping rules and regulations as set forth in the local zoning law.

With no one else to be heard Mayor Wordelmann closed the public hearing at 7:31 PM and proceeded to reopen the regular meeting.

RESOLUTION #109-2013-2014 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor Wordelmann to set 6:45 PM, Monday, January 13, 2014 as the time and date to conduct a public hearing on the proposed amendments to the Village of Lakewood Zoning Law regarding adult novelty stores.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #110-2013-2014 – AUTHORIZE BOND ANTICIPATION NOTE RENEWAL

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J.. Windoft and Village Attorney Edward P. Wright to renew the Bond Anticipation Note (5 year renewable – 1 year maturing BAN) in the amount of \$ 36,000.00 for the 2007 Elgin Street Sweeper which is due January 17, 2014.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

DECEMBER 23, 2013 (CONTINUED)

RESOLUTION #111-2013-2014 – ISSUE NEGATIVE DECLARATION AS LEAD AGENCY

Motion by Trustee Drago, seconded by Trustee D Salvo, that the Village of Lakewood as the project's Lead Agency issue a Negative Declaration as it pertains to the State Environmental Quality Review Act, (SEQR) in connection with proposal by Mr. William McFadden to construct a 3,090 sq. ft. vehicle service facility (express lube and car wash) on a .78 acre site at 205 East Fairmount Ave.

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

Note: Trustee Di Salvo indicated at one of the last meetings this project was reviewed the Village of Lakewood had asked Mr. McFadden or a representative of his to meet with members of the Tree Committee in order to address a few questions that were raised by the Chautauqua County Planning Board during their review of this project. Trustee Di Salvo wondered if Mr. McFadden has come back with any additional information.

Trustee Jablonski reiterated any final review of Mr. McFadden's landscaping plans should have been done prior to taking action on his proposal.

Mayor Wordelmann said legally there is nothing to stop this project from going forward in that the maximum amount of land to be disturbed is under one acre and therefore shy of the threshold that requires SEQR.

Trustee Di Salvo said he understands the criteria for SEQR but we can still ask for more information.

RESOLUTION #112-2013-2014 – TABLE ACTION ON POLICE SGT. PROMOTION

Motion by Trustee Drago, seconded by Trustee Jablonski, per the recommendation of Mayor Wordelmann for the Board of Trustees to table any action on the recommendation by Police Chief John R. Bentley to promote Police Officer Jeffrey G. Spencer to Police Sergeant effective December 25, 2013 at an annual salary of \$ 65,512.00. Mayor Wordelmann said questions concerning civil service rules, the Police Sgt. position itself and the suggested annual salary need to be answered before any action is taken on this personnel matter.

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

RESOLUTION #113-2013-2014 – APPOINT NEW PART-TIME POLICE OFFICER

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Police Chief John R. Bentley to appoint Mr. Matthew R. McClelland, Olean, N.Y., as a part-time Police Officer with the effective date of hire as December 25, 2013. Officer McClelland will be compensated at a rate of \$16.49/hr.

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

DECEMBER 23, 2013 (CONTINUED)

RESOLUTION #114-2013-2014 – APPROVE FIRE CHIEF POSITIONS

Motion by Trustee Drago, seconded by Trustee Jablonski, for the Board of Trustees, acting as the Board of Fire Commissioners, to approve the following fire chief positions for 2014. Fire Chief: Kurt W. Hallberg, First Assistant Fire Chief: Stephen W. Smouse, Second Assistant Fire Chief: Todd Gilbert. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #115-2013-2014 – APPROVE NEW FIRE DEPARTMENT MEMBER

Motion by Trustee Drago, seconded by Trustee Di Salvo, for the Board of Trustees, acting as the Board of Fire Commissioners, to approve Ms. Emma Blasius, 19 Owana Way as a new member of the Lakewood Volunteer Fire Department. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

ANYONE TO BE HEARD

Chautauqua County Legislator P.J. Wendel wished to point out that property owners who rent their homes short term must comply with Chautauqua County's bed tax rules and regulations.

Legislator Wendel indicated in reference to the planned mass casualty ice rescue scheduled for February 22nd, local fire departments and law enforcement agencies conduct a similar drill at the Chautauqua County Airport annually and it never inconveniences anyone. The main focus for the ice rescue exercise will be that of the U.S. Coast Guard. Local emergency medical service technicians and police agencies will be participating in an auxiliary role only. Legislator Wendel said the exercise is a great opportunity for local first responders to gain experience and encouraged people to witness the operation.

Mr. Wendel added newly elected county legislators will be sworn in on January 2, 2014.

Mayor Wordelmann asked Legislator Wendel if there is anything new to report regarding the sale of the Chautauqua County nursing home.

Legislator Wendel indicated it remains a hot topic and that a contract its sale could be in the negotiation phase very soon. A vote on the matter could come as soon as February.

Mayor Wordelmann asked Legislator Wendel whether or not Chautauqua County somehow works with local municipalities in educating property owners regarding the county's bed tax.

Legislator Wendel indicated that Chautauqua County established an amnesty program a while back with respect to the bed tax however anyone who rents his or her property on a short term basis is subject to the bed tax and by law are obligated to pay it. Here in lies a bigger debate. How does one go about enforcing the law? The grace period is now over but noted the bed tax generates about \$ 250,000.00 in revenue annually. He went on to say if anyone has a question about bed taxes they are welcome to contact Mr. James E. Cafilisch, Director of the Chautauqua County Department of Finance.

DECEMBER 23, 2013 (CONTINUED)

RECESS

Motion by Trustee Jablonski, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees at 7:43 PM, so as to enter into executive session to discuss a personnel matter.

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

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Susan F. Drago, Trustee David J. Di Salvo, Trustee John Jablonski, Village Attorney Edward P. "Tad" Wright and Police Chief John R. Bentley. Motion by Trustee Drago, seconded by Trustee Di Salvo to adjourn the executive session at 8:10 PM and to reopen the regular meeting.

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

Motion by Trustee Jablonski, seconded by Trustee Drago and unanimously carried, the Board adjourned at 8:11 PM.

Joseph M. Johnson
Village Clerk