

JUNE 23, 2014

The sixth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 23, 2014 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, David J. Di Salvo and Susan F. Drago. 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 were Trustee John Jablonski and Department of Public Works Supervisor Thomas R. Pilling.

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 June 9, 2014.
Adopted: 3 ayes, no nays (Denn, Di Salvo, Drago)

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 23, 2014, be approved and that the Clerk shall execute said abstracts (#2 & #3) and direct payment by the Treasurer. General Fund: \$ 138,743.62, (Checks #10769 thru #10818), Trust & Agency Fund: \$ 52,321.28, (Checks #2984 thru #2995)
Adopted: 3 ayes, no nays (Denn, Di Salvo, Drago)

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to six thousand sixty-four reportable incidents year-to-date and that vehicles from the Lakewood-Busti Police Department were recently involved in two separate motor vehicle accidents. One was a deer strike that occurred June 12th and the second, which was much more serious, occurred June 21st. The second motor vehicle accident resulted in minor injuries being sustained by the officer (Casey D. Casselman) and the vehicle, a 2010 Ford Crown Victoria, was totaled. Chief Bentley also reported that the patrol for the 4th of July Summerfest is set and that the Lakewood-Busti Police Department will be present at opening night, (Saturday, July 5th) at Stateline Speedway.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to three hundred seventy-eight alarms year-to-date.

Village Treasurer Andrea J. Windoft wished to remind Village of Lakewood property owners if they haven't yet received a tax bill, to please contact the Treasurer's office.

Building Inspector Charles L. Smith reported that twenty-three building permits have been issued so far this year and there are a few major projects in the works, namely Panera Bread, the remodel/upgrade of Red Lobster, LUV Toyota's Express Lube & Car Wash and a new Yankee Candle store in the Chautauqua Mall. Mr. Smith noted he expects Mr. William McFadden to break ground on the LUV Toyota project within a week or two and that the Panera Bread project should be

moving forward very soon.

Mayor Wordelmann asked Building Inspector Smith to look into the display of used cars for sale in front of Roger's Auto Repair, 151 Chautauqua Ave. and to determine if there was ever permission given to do so.

Trustee Di Salvo asked Building Inspector Smith if there is anything new to report regarding the property maintenance issues at 8 & 10 Olive Ave. that were brought to the attention of this board by Mr. Gale Seeking, 12 Olive Ave., last month.

JUNE 23, 2014 (CONTINUED)

Mr. Smith indicated to Trustee Di Salvo that he asked Mr. Bruce Carlson, the owner of 8 & 10 Olive Ave., to continue to work at cleaning-up his properties and encouraged him to participate in the CHRIC program, whereby in doing so some assistance could come his way to help rebuild his garage.

COMMITTEE REPORTS

Trustee Drago indicated that four weeks ago Mayor Wordelmann made the suggestion for her to draft a local law addressing the monthly brush pick-up, in particular the enforcement of its rules and regulations. Trustee Drago indicated that problem hasn't gotten any better, noting there are a number of piles of brush and other yard waste along village streets that won't get picked-up until after the 4th of July.

Trustee Di Salvo indicated at one time there was talk about fining violators, adding it is a wonderful service that is being jeopardized by a few.

Trustee Drago said if a violator is cited to appear in Town Court, the Board of Trustees would have to rely on the judges to enforce the law if it is adopted, adding there are a lot of ifs associated with this particular issue. It has become a nuisance to many and the service itself is a luxury the Village of Lakewood can no longer afford. Trustee Drago then proposed that the Village of Lakewood consider abolishing this service.

Mayor Wordelmann said he would hate to take away a service that the majority of the residents are complying with its rules and regulations.

Trustee Drago said people just need to be better neighbors and maybe an article in the local newspaper could clarify some of the rules and regulations relating to this service.

Mr. James Loomis, 110 Waldemere Way, said it is his opinion that the public just needs to be better educated with respect to the rules and regulations regarding the village's brush pick-up service.

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: (Denn, Di Salvo, Drago)

PUBLIC HEARING - 6:45 PM
SPECIAL USE PERMIT - FENCE
105 WINCHSTER ROAD

Mr. P. Scott Sawyer, 105 Winchester Road, has submitted an application for a Special Use Permit regarding his proposal to erect 48 lineal feet of 6 ft. high solid white vinyl fencing parallel to his property's rear/easterly boundary line. In accordance with Section #25-51 (A-2), [Fences], of the Village of Lakewood's Zoning Law, any fence above four (4) feet in height shall require a special use permit.

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

With no one to be heard, Mayor Wordelmann closed the public hearing at 6:47 PM, and because Mr. Sawyer or a representative of his did not attend the public hearing, he would entertain a motion to table any action on Mr. Sawyer's special use permit application until such a time he appears before the Board of Trustees.

JUNE 23, 2014 (CONTINUED)

RESOLUTION #33-2014-2015 - TABLE ACTION ON SPECIAL USE PERMIT APPLICATION

Motion by Trustee Drago, seconded by Trustee Di Salvo, per the recommendation of Mayor Wordelmann for the Board of Trustees to table any action on Mr. P. Scott Sawyer's Special Use Permit (Fence) application until such a time he or a representative appears before the Board of Trustees.
Adopted: 3 ayes, no nays (Denn, Di Salvo, Drago)

ANYONE TO BE HEARD

Mrs. Joanie Denn, 65 West Summit Street, wished to thank Mayor Wordelmann and the Board of Trustees for all they do for the Village of Lakewood and to let them know that your work is greatly appreciated.

RECESS

Motion by Trustee Denn, seconded by Trustee Di Salvo to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.
Adopted: 3 ayes, no nays (Denn, Di Salvo, Drago)

PUBLIC HEARING - 6:50 PM
SPECIAL USE PERMIT - FENCE
32 MARVIN AVE.

Ms. Lana Lanphier, 32 Marvin Ave., has submitted an application for a Special Use Permit regarding her proposal to erect 92 lineal feet of 6 ft. high privacy fence along the northerly and westerly boundary lines of her back yard. In accordance with Section #25-51 (A-2), [Fences], of the Village of

Lakewood Zoning Law, any fence above four (4) feet in height shall require a special use permit.

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

Mayor Wordelmann asked Ms. Lanphier if she would like to briefly explain her fence proposal.

Ms. Lanphier said the fence as proposed is mostly for privacy as well as to fence off her neighbor's driveway which runs along their common boundary. She also noted that her neighbor has talked about building a garage sometime.

Ms. Mary Ellen Williams, 33 Case Ave., said she and Ms. Lanphier share a common boundary line and stated she is in favor of having her fence proposal approved in that Ms. Lanphier needs her privacy.

Trustee Denn asked Ms. Lanphier if she has decided on the type of fence to be erected.

Ms. Lanphier indicated to Trustee Denn she plans on erecting a stockade type of fence.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 6:55 PM.

Trustee Denn indicated that it has been the general consensus of the Village Board of Trustees to oppose 6 ft. high fences, but as long as Ms. Lanphier's neighbor has no problem with it, then consideration should be given to grant the special use permit.

JUNE 23, 2014 (CONTINUED)

RESOLUTION #34-2014-2015 - 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 Ms. Lana Lanphier, 32 Marvin Ave., whereby she will be allowed to erect 92 lineal feet of 6 ft. high stockade fence along the northerly and westerly boundary lines of her back yard, in accordance with Section #25-51, [Fences] of the Village of Lakewood Zoning Law, with the condition that the fence will be completely erected by October 31, 2014.

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

RESOLUTION #35-2014-2015 - AUTHORIZE L.F.D. MEMORIAL PARK CONSTRUCTION

Motion by Trustee Denn, seconded by Trustee Di Salvo, that the Board of Trustees acting as the Board of Fire Commissioners authorize the Lakewood Volunteer Fire Department to establish a memorial park on Village of Lakewood owned property at the corner of Chautauqua Ave., and J.W. Packard Blvd., in accordance with the site plan as submitted.

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

PROPOSED AGREEMENT BETWEEN THE VILLAGE OF LAKEWOOD & THE TOWN OF BUSTI
RE: BUILDING INSPECTOR & CODE ENFORCEMENT SERVICES

Mayor Wordelmann briefly discussed two changes that were made to the document with members of the Board of Trustees.

Village Attorney Wright said some things for the Board of Trustees consideration regarding this position with respect to hours worked are will the position be spread too thin, working elsewhere on village time, and how much time will the individual be asked to spend on village matters following a regular work day.

Trustee Denn asked if the actual work hours have been delineated for the new position between the Town of Busti and the Village of Lakewood.

Trustee Di Salvo asked if Mr. Swanson will be required to attend all the Village Board meetings and would his attendance time count towards his twenty hour work week for the Village of Lakewood?

Village Attorney Wright indicated that Mr. Swanson's time spent at Village Board meetings would indeed count towards his work week, but it would be up to the Board of Trustees as to how often he would be asked to attend.

Trustee Di Salvo indicated because his time at board meetings are considered billable hours, it might make sense for him to attend only one meeting per month and to arrange the agenda to allow the Building Inspector to deliver his report and leave. Trustee Di Salvo said with all that is on the Building Inspector's plate, twenty hours per week isn't a lot of time.

Trustee Di Salvo indicated to Mayor Wordelmann that he appreciates the effort made by him and Town of Busti Supervisor Jesse Robbins to share services and cut costs, which everyone is in favor of. Trustee Di Salvo said he is concerned that twenty hours per week working for the Village of Lakewood may not be enough hours considering what he believes is a backlog of property maintenance related issues, not to mention the fact of additional responsibilities such as inspection and enforcement of the short term rental properties. Trustee Di Salvo said he is not convinced that twenty hours per week is enough time for the Building Inspector to do his job and doesn't wish to relinquish the Village of Lakewood's authority when it comes to hiring practices. He also believes the Village Board should have been more involved with the interview process and ultimate selection of the candidate. If the Village of Lakewood is going to be sharing the cost, then it should also be involved in the selection of the person serving the village.

JUNE 23, 2014 (CONTIMNUED)

Trustee Di Salvo said he realizes this is a provisional appointment subject to civil service rules and regulations and although he has nothing against Mr. Swanson, it is the process by which he was hired that he has concerns with. While he is in favor of the sharing of services between municipalities, he is not in favor of this agreement between the Village of Lakewood and the Town of Busti as it is written.

Mayor Wordelmann, in response to Trustee Di Salvo's comments, said he and Town Supervisor Robbins have been working on this agreement for a couple of years. Given the fact that each municipality had part-time employees as their respective Building Inspector/Code Enforcement officers, it seemed only

natural to consider combining the positions into one and become a shared service.

Trustee Di Salvo said he is not against the concept of sharing services, but would have been more comfortable if the document had a clause wherein Village of Lakewood had more of a say in the hiring process. Trustee Di Salvo said he doesn't wish to hold up anything, however he can not vote for this contract/agreement.

Trustee Denn said he has confidence and faith in Mayor Wordelmann's negotiating skills and with the amount of time and effort he has put forth in working with Town Supervisor Robbins, adding let's get this train out of the station. When the final three candidates for the position are established, that will be the time for the Board of Trustees to become more involved.

Mayor Wordelmann said there is a perfect example already in place with respect to a working contract/agreement between the Village of Lakewood and the Town of Busti, that being the police services agreement. In this case the Village of Lakewood conducts the interviews and makes the appointments without any input from the Town of Busti. The Village of Lakewood is merely contracting with the Town of Busti for building inspector and code enforcement officer services and it is up to the township to do the hiring. Mayor Wordelmann said the contract might not be perfect and may need adjusting over time but we must make an effort to move forward.

Trustee Drago said she has met Mr. Swanson who seems to be very knowledgeable and is genuinely excited about getting started. Mr. Swanson has been working with Building Inspector Smith for a few months now and the Town of Busti Board is very high on what he has been able to accomplish thus far. Trustee Drago said she is certainly in favor of this move.

Trustee Di Salvo said it is great that the town board is high on Mr. Swanson, however it would have been nice if this board had had an opportunity to first meet Mr. Swanson and be given the chance to ask him some questions. Trustee Di Salvo said he still has questions as to how Mr. Swanson is going to manage his twenty hours per week working for the Village of Lakewood in addressing some existing property maintenance, code enforcement issues, while carrying out his building inspector duties. Trustee Di Salvo said he respects Mayor Wordelmann's negotiating skills and his authority, but can not vote for this contract agreement.

Mayor Wordelmann said Mr. Swanson would have been in attendance this evening, however he is in route to Rochester, N.Y. for another week of training.

RESOLUTION #36-2014-2015 - ADOPT CONTRACT-AGREEMENT WITH TOWN OF BUSTI

Motion by Trustee Denn, seconded by Trustee Drago, for the Village of Lakewood to adopt a one year renewable contract-agreement with the Town of Busti, whereby they agree to provide building inspector and code enforcement officer services, twenty hours per week minimum, to the Village of Lakewood, who agrees to reimburse the Town of Busti 50% of the Code Enforcement Officer's annual salary and to authorize Mayor Wordelmann to execute same. Adopted: 3 ayes, (Wordelmann, Denn, Drago), 1 nay, (Di Salvo)

JUNE 23, 2014 (CONTINUED)

RESOLUTION #37-2014-2015 - ADOPT MEMORANDUM OF UNDERSTANDING

Motion by Trustee Di Salvo, seconded by Trustee Drago, for the Village of Lakewood to adopt a Memorandum of Understanding wherein the Village of Lakewood agrees to; endorse the framework for the Chautauqua Lake & Watershed Management Alliance, participate in the development of the Alliance and participate in the Alliance as members.

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

WATERSHED ALLIANCE REPORT

Mayor Wordelmann briefly explained the Chautauqua Lake & Watershed Management Alliance saying it is comprised by a group of concerned citizens that are focusing on trying to get private money to support local efforts to properly manage the Chautauqua Lake watershed. Before local foundations can donate, it is necessary for municipalities within the watershed to agree to participate in this alliance. Mayor Wordelmann said he, Trustee Di Salvo and Trustee Jablonski attended an initial presentation by the alliance committee. The alliance is modeled after a watershed alliance formed in Chagrin Falls, Ohio which receives numerous grants, to the tune of 10 million dollars annually to support their watershed management efforts. Chautauqua County has received less than two million dollars via grants over the past ten years.

Chautauqua County Legislator P.J. Wendel indicated the Chautauqua Lake Management Commission which was formed a number of years ago and was most recently chaired by Lyle T. Hajdu. As a county legislator, he and other elected officials took a tour of the lake and it was determined that those communities that border the lake need to get more involved with watershed management. This alliance has been three years in the making and its leveraging power for funding is huge. Legislator Wendel said Mr. Hajdu has done a great job and encourages all municipalities to endorse this venture. The more we as county can do to improve the lake the more economic benefits that the lake provides will be realized.

Trustee Di Salvo said he would like to second the comments made by Legislator Wendel and was impressed with the Chagrin Falls, Ohio model. A few highlights from the alliance's initial presentation were Chagrin Falls, Ohio generates forty to fifty grant applications annually, which have yielded forty to fifty million dollars over a fifteen year period. Trustee Di Salvo agrees that this alliance is a great idea.

Village Attorney Wright indicated that he sat on the alliance's steering committee and the focus is the idea to increase the amount of money that comes from outside the watershed and Chautauqua County. Mr. Wright said because of the size and population of the Chagrin Falls, Ohio watershed it is unrealistic to think this watershed could generate that kind of money, however Lake George, in upstate New York has been very successful in applying for and receiving grant money from outside its watershed. The idea is to expand the size of the proverbial pie by reaching out beyond the boundaries of Chautauqua County.

Trustee Denn posed the question, if and when the county gets the money what do we do with it, in that there are different ideas on what the priorities might be.

Mr. Wright said most likely there will be grants designated for specific projects. Mr. Wright also said he has argued from day one that local

municipalities should not be required to pay anything initially, but rather rely on support from area foundations and grants the first five years of this watershed alliance.

JUNE 23, 2014 (CONTINUED)

RESOLUTION #38-2014-2015 - AUTHORIZE REQUEST FOR FIRE TRUCK BIDS

Motion by Trustee Denn, seconded by Trustee Drago, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize the Lakewood Volunteer Fire Department to request sealed bids for one (1) 1,500 GPM Class A. Pumper, per the specifications as prepared by the Lakewood Volunteer Fire Department. Bids will be received on or before 3:00 PM, (local time), Friday, July 25, 2014, at the Office of the Village Clerk, 20 West Summit Street, Lakewood, New York, at which time and place they will be publically opened and read aloud.

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

RESOLUTION #39-2014-2015 - APPROVE 2015 LAKE MAINTENANCE AGREEMENT

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Mayor David T. Wordelmann to execute an agreement between the Village of Lakewood and the Chautauqua Lake Association, Inc., Lakewood, N.Y., whereby the Village of Lakewood agrees to make a contribution in the amount of \$3,500.00 toward the Chautauqua Lake Association's lake maintenance program for 2015.

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

RESOLUTION #40-2014-2015 - AUTHORIZE USE OF VILLAGE STREETS

Motion by Trustee Drago, seconded by Trustee Denn, authorizing the Chautauqua Striders to make use of village streets as a portion of the 13.1 mile course for the second annual Lucy Town Half Marathon to be held Sunday, October 12, 2014. The half marathon will start and finish at the Jamestown Savings Bank ice arena in Jamestown, N.Y.

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

Motion by Trustee Denn, seconded by Trustee Di Salvo, and unanimously carried, the Board adjourned at 7:30 PM.

Joseph M. Johnson
Village Clerk

