

AUGUST 24, 2015

The thirty-fourth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, August 24, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo, and John Jablonski. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson. Absent were Trustee Susan F. Drago, and Village Attorney Edward P. "Tad" Wright.

APPROVAL OF MINUTES

Motion by Trustee Jablonski, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held August 10, 2015.

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

AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated August 24, 2015 be approved and that the Clerk shall execute said abstracts (#12 & #13) and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,646.63, (Checks #3457 thru #3477), General Fund: \$ 82,736.78, (Checks #11997 thru #12036)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that repairs to the railroad crossings at Lakeview Ave. and Chautauqua Ave. have been completed. Mr. Pilling also indicated the DPW crew is plugging along with road work and that a few more sluice pipe projects are on the schedule to complete.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to seven thousand four hundred ninety-one reportable incidents year-to-date. Chief Bentley also reported that the K-9 dog and K-9 Officer participated in "Kids Day" along Chautauqua Ave. this past Saturday. Chief Bentley indicated that a new part-time Police Officer by the name of Brent H. Francis has been hired to fill one of the vacancies and that one more part-time officer is expected to be added to the staff early next month. Chief Bentley then asked Mayor Wordelmann if a short executive session could be conducted following tonight's regular meeting to discuss a police personnel matter.

Chief Bentley then advised the Board of Trustees and the press that since the last meeting the Lakewood-Busti Police Department have been served two civil complaints/notices of claim. One from Mr. Randy Ridgeway, in the amount of 5 million dollars and the other from Ms. Terri Lineman, also in the amount of 5 million dollars. These claims stem from mandatory arrests that were made in connection to domestic violence matters.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire

Department has responded to five hundred seventy-six alarms year-to-date, twenty-four of which occurred since the last meeting. Chief Hallberg also reported that the new engine on order is expected to be on the manufacturer's production line later this week.

Building Inspector Jeffrey A. Swanson reported that he is addressing various property maintenance issues as time permits.

Mayor Wordelmann asked Mr. Swanson where in the process is the Village of Lakewood regarding the unsafe structure at 8 Olive Ave.

AUGUST 24, 2015 (CONTINUED)

Mr. Swanson indicated he is waiting for Village Attorney Wright to return from vacation to provide answers to a few questions that have surfaced regarding that particular issue. We want to make sure things are being done correctly before moving forward.

Mayor Wordelmann asked Building Inspector Swanson if the owner will have access to his property.

Mr. Swanson said the owner can access the garage and per the engineering report he will have a week to remove his personal property from the dilapidated house.

Trustee Di Salvo asked Mr. Swanson if there is an estimated cost to raze the unsafe structure and clear the site of all the demolition material.

Building Inspector Swanson said he hasn't asked for any quotes yet, however he estimated the demolition and clean-up costs to range between ten to twelve thousand dollars. Mr. Swanson said there is probably some asbestos at 8 Olive Ave. and it will have to be determined whether to initiate an asbestos abatement plan when clearing the site.

Trustee Di Salvo suggested that the Village of Lakewood look to the Chautauqua County Land Bank to help fund the demolition and clean-up costs. Trustee Di Salvo said he believes the City of Jamestown is using the land bank to help fund some of their residential demolition projects.

Building Inspector Swanson said he will be happy to check if there is any funding available through the Chautauqua County Land Bank for the demolition project on Olive Ave.

Mayor Wordelmann then asked Chautauqua County Legislator P.J. Wendel, who just happened to be in attendance, if he has any knowledge on how the Chautauqua County Land Bank could be of assistance with respect the demolition project on Olive Ave.

Legislator Wendel said he believes the Chautauqua County Land Bank is more involved in the rehabilitation of dilapidated residential properties rather than demolishing them, but he would be happy to look into it.

Trustee Jablonski asked Building Inspector Swanson about the flags and banners that have cropped-up throughout the Village of Lakewood recently and what their status is as they relate to the section of the zoning law on signs.

Mr. Swanson indicated to Trustee Jablonski that he and Mayor Wordelmann

recently toured the entire village and he will be sending out letters to those in violation of Section #25-49, [Signs], of the Village of Lakewood Zoning Law. Mr. Swanson said he also spoke with Village Attorney Wright to clarify what may or may not be considered an advertising sign.

Mayor Wordelmann said Building Inspector Swanson will be enforcing what is currently listed in Section #25-49, [Signs], of the Village of Lakewood Zoning Law.

Trustee Jablonski said he believes some signs out there will need to be removed.

RECESS

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

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

AUGUST 24, 2015 (CONTINUED)

PUBLIC HEARING - 6:45 PM
SPECIAL USE PERMIT - 6 FT. FENCE
14 GIFFORD AVE.

Mr. Mark Riolo, 14 Gifford Ave., has submitted a Special Use Permit application regarding plans to erect approximately 80 lineal feet of 6 ft. high privacy fence as a back yard patio and play area enclosure. NOTE: Mr. Riolo was previously granted a special use permit to erect 26 lineal feet of 6 ft. fence along the north end of the back patio area. 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 at 6:45 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper.

Mrs. Heather Riolo indicated the reason for the additional fencing is to provide a quieter and secure play area for her autistic son, per the suggestion of his service coordinator from ASPIRE. Mrs. Riolo said with the enclosed back yard her son will be able to play outside in a safe environment. Mrs. Riolo also indicated that ASPIRE has agreed to fund the fence project upon reviewing three quotes from area fence contractors.

Mayor Wordelmann asked Mrs. Riolo what type of fence is being considered.

Mrs. Riolo said it would be wooden stockade type fence.

Mrs. Sue Chandler, 207 West Summit St. indicated there is very little privacy between Mr. & Mrs. Riolo's backyard and the backyard and deck of their neighbors at 205 West Summit St. Mrs. Chandler said for the sake of both families she encourages the Board of Trustees to allow Mr. and Mrs. Riolo's fence proposal to move forward.

Mr. Kurt W. Hallberg, 3 Delaware Ave., indicated as he has mentioned

previously, the property at 14 Gifford Ave. has never looked better and believes what they are planning will only enhance the property.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 6:50 PM.

RESOLUTION #175-2014-2015 - APPROVE SPECIAL USE (FENCE) PERMIT APPLICATION

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, to grant/approve the Special Use Permit application as submitted by Mr. Mark Riolo, 14 Gifford Ave., whereby he will be allowed to erect approximately 80 lineal feet of 6 ft. high privacy fence as a back yard patio and play area enclosure with the condition that it be erected in accordance with Section #25-51, (A-2), [Fences], of the Village of Lakewood Zoning Law.

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

PUBLIC HEARING - 6:50 PM
SPECIAL USE PERMIT - 6 FT. FENCE
2 HOLLY DRIVE

Ms. Elizabeth Snow, 300 Maplecrest Ave., has submitted an application for a Special Use Permit regarding a proposal to erect approximately 130 lineal feet of 6 ft. high privacy fence as a back yard enclosure at 2 Holly Drive. 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.

AUGUST 24, 2015 (CONTINUED)

Mayor Wordelmann opened the public hearing at 6:51 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper. Mayor Wordelmann then asked if there was anyone who would like to speak for or against this fence as proposed.

Mrs. Jeanne Holmes, 10 Holly Drive, indicated that there have been transient type tenants at 6 Holly Drive lately making it difficult for those living at 2 Holly Drive to enjoy their own backyard. Mrs. Holmes said she and her husband have no problems with the fence as proposed and would encourage the Board of Trustees to grant Ms. Snow's special use permit application.

RESOLUTION #176-2014-2015 - TABLE ACTION ON SPECIAL USE PERMIT (FENCE) APPLICATION

Motion by Trustee Jablonski, seconded by Trustee Barnes, per the recommendation of Mayor Wordelmann, to table any action on Ms. Elizabeth Snow's special use permit application until such a time the applicant or a representative appears before the Board of Trustees and provides a detailed site plan or survey depicting the location of the proposed fence and which notes the set-backs from the common boundary lines.

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

REPORTS (CONTINUED)

Trustee Barnes asked Building Inspector Swanson what is the latest regarding the former Beechwood Restaurant property.

Mr. Swanson said he hasn't heard from the new owners lately other than they were looking to schedule some health department related inspections.

Trustee Di Salvo asked Mr. Swanson if the owners are reconsidering opening the restaurant.

Mr. Swanson said he has no idea, however he wouldn't be surprised if a buyer came along, they might entertain selling the property.

RESOLUTION #177-2014-2015 - ACCEPT BID FOR NEW SIDEWALK AND CURBING PROJECT

Motion by Trustee Barnes, seconded by Trustee Di Salvo, per the recommendation of Department of Public Works Supervisor Thomas R. Pilling, for the Village of Lakewood to accept the low bid of \$46,825.00 as submitted by R. Patti Concrete Excavating, LLC, Jamestown, N.Y., to install 600 ft. of curbing and 3,100 sq. ft. of sidewalk along the west side of Mall Blvd. from East Fairmount Ave. (Rt. 394) south to the northerly entrance/driveway to ARBY'S Restaurant, per the specifications as prepared by Eco Strategies Civil Engineers, PLLC, Falconer, N.Y.

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

RESOLUTION #178-2014-2015 - AUTHORIZE SALE OF MEDIC-37

Motion by Trustee Di Salvo, seconded by Trustee Barnes, that the Board of Trustees acting as the Board of Fire Commissioners, grant permission to the Lakewood Volunteer Fire Company to liquidate (sell) Medic-37, (2005 Ford F450). If a buyer is found the Lakewood Volunteer Fire Company requests that the Village of Lakewood return the proceeds to the Lakewood Volunteer Fire Company to be used towards the purchase of a new ambulance.

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

AUGUST 24, 2015 (CONTINUED)

RESOLUTION #179-2014-2015 - AUTHORIZE LFD OPEN HOUSE & FIRE TRUCK RIDES

Motion by Trustee Jablonski, seconded by Trustee Barnes, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize the Lakewood Fire Department to conduct an open house at their fire station Saturday, October 10, 2015, 12:00 noon - 4:00 PM, and to authorize fire truck rides during the event.

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

RECESS

Motion by Trustee Barnes, seconded by Trustee Di Salvo, to recess the regular meeting at 7:05 PM, so as to enter into executive session to discuss a personnel matter.

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

EXECUTIVE SESSION

Present at the executive were Mayor David T. Wordelmann, Trustee Ellen E. Barnes, Trustee David J. Di Salvo, Trustee John Jablonski and Lakewood-Busti Police Chief John R. Bentley. Motion by Trustee Di Salvo, seconded by Trustee Jablonski to adjourn the executive session at 7:24 PM.

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

Motion by Trustee Jablonski, seconded by Trustee Barnes and unanimously carried the Board adjourned at 7:25 PM.

Joseph M. Johnson
Village Clerk