

JULY 28, 2014

The eighth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, July 28, 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, and Department of Public Works Supervisor Thomas R. Pilling. Absent were 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 July 14, 2014.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated July 28, 2014 be approved and that the Clerk shall execute said abstracts (#1, #8 & #9) and direct payment by the Treasurer. Capital Fund: \$ 53,785.86, (Check #10895), Trust & Agency Fund: \$ 59,447.78, (Checks #3032 thru #3053), General Fund: \$ 66,998.42, (Checks #10896 thru #10929)
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

REPORTS

Department of Public Works Superintendent Thomas R. Pilling reported that progress is being made on the new storage building and with assistance from Police Chief Bentley the issue regarding boat trailer storage at the Community Park's parking lot is being resolved.

Trustee Jablonski asked Mr. Pilling to briefly explain the work the Village of Lakewood undertook along the creek which runs parallel to Hillcrest Ave.

Mr. Pilling indicated that the owners of 301 Hillcrest Ave. took measures on their own to shore-up the creek bank along their property with large pieces of limestone and thought it would be a good idea to do the same along the 60 ft. right-of-way (paper street) just north of their property. Following the erosion control project the Department of Public Works ended up restoring the public right-of-way with top soil and a grass carpet.

Mr. Pilling also reported that the Department of Public Works will be working with the Chautauqua lake Yacht Club on a drainage and shoreline restoration project within the New York Ave. right-of-way later this summer.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to seven thousand two hundred twenty-six reportable incidents year-to-date and that the department is working on several residential burglaries. He also reported that individuals have been accessing unlocked vehicles in the east end of the village and stealing everything they

can get their hands on. Chief Bentley believes the larcenies are drug related. He also wished to remind residents to lock their vehicles and to report any suspicious behavior.

JULY 28, 2014 (CONTINUED)

Village Treasurer Andrea J. Windoft reported that she distributed a hand-out on the New York State Property Tax Freeze program and has filed the Village of Lakewood's annual audit with the NYS Comptroller's Office. She also reported that she oversaw the bid opening last Friday regarding the Lakewood Fire Department's Class A, 1500 GPM Pumper.

Although Building Inspector Swanson is attending schooling in Rochester, N.Y. this week, Mayor Wordelmann wished to report, after having talked with Mr. Swanson late last week, site work on the Panera Bread project, 80 Mall Blvd., has begun and that Mr. Swanson has asked Roger's Auto Repair to remove the used cars that have been displayed along Chautauqua Ave. per the conditions of the special use permit that was issued back in 1998. Mayor Wordelmann said Building Inspector Swanson is also working on several property maintenance matters.

RESOLUTION #48-2014-2015 - RESCIND RESOLUTION #41-2014-2015 DATED JULY 14, 2014

Motion by Trustee Denn, seconded by Trustee Drago for the Board of Trustees to rescind Resolution #41-2014-2015, which was previously adopted at a regular meeting of the Board of Trustees held Monday, July 14, 2014. Due to the fact that the Village of Lakewood failed to file the required State Environmental Quality Review (SEQR) form and related information to the Chautauqua County Department of Planning & Economic Development in a timely fashion for their review and comment it was deemed appropriate to restart the process to adopt Local Law #4-2014 amending and revising the Village of Lakewood's zoning law. Trustee Jablonski asked Mayor Wordelmann if the Board of Trustees will take an active role in filling out the Full Environmental Assessment Form. If the completed form contains erroneous information then the Board of Trustees shouldn't agree to file it with the Chautauqua County Department of Planning & Economic Development. Mayor Wordelmann said the county planning board should point out to the Village of Lakewood if the form is incomplete. Trustee Di Salvo said in the interest of transparency that the Board of Trustees and the public should have the opportunity to discuss the SEQR process, accompanying forms and the eventual findings of the Chautauqua County Department of Planning & Economic Development.
Adopted: 4 ayes, (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #49-2014-2015 - RESCIND RESOLUTION #46-2014-2015 DATED JULY 14, 2014

Motion by Trustee Drago, seconded by Trustee Denn, for the Board of Trustees to rescind Resolution #46-2014-2015, which was previously adopted at a regular meeting of the Board of Trustees held Monday, July 14, 2014, at which it was agreed to hire retiring Building Inspector Charles L. Smith as an independent contractor at a rate of \$32.87/hr., during the position's

transition period, that required Mr. Smith to provide the Village of Lakewood with proof of liability insurance coverage.

Adopted: 3 ayes, (Denn, Di Salvo, Drago), 1 nay (Jablonski)

CLARIFICATION OF THE PART TIME POSITION

Trustee Di Salvo wanted a clarification with respect to Mr. Smith's new position, stating Mr. Smith is not a new employee, and it is not a new position, however he would be considered a temporary employee hired without any benefits.

Village Attorney Wright indicated he believes Mr. Smith will just be changing his status as an employee of the Village of Lakewood.

Trustee Di Salvo wanted to make sure that the hiring of Mr. Smith on a part time basis was not going to cost the Village of Lakewood anything more than the agreed upon hourly wage.

JULY 28, 2014 (CONTINUED)

Trustee Jablonski asked if Mr. Smith would be handling or dealing with any zoning matters.

Village Attorney Wright indicated that it is his understanding Mr. Smith will be assisting and offering guidance to Building Inspector Swanson on projects that were initiated while Mr. Smith was the Building Inspector for the Village of Lakewood.

Trustee Jablonski said it is his opinion that Mr. Smith issued a building permit to Mr. William McFadden for the proposed express lube and car wash on East Fairmount Ave. illegally in that Mr. McFadden was requested to submit an amended landscaping plan for the Board of Trustees' review before any permit was to be issued. Because of this Trustee Jablonski said he doesn't believe Mr. Smith should have anything more to do with zoning matters nor should he be advising Mr. Swanson on zoning matters.

RESOLUTION #50-2014-2015 HIRE BLDG. INSP. CHARLES L. SMITH PART-TIME

Motion by Trustee Drago, seconded by Trustee Denn, for the Village of Lakewood to hire retiring Building Inspector Charles L. Smith as a part-time hourly employee, to be compensated at a rate of \$ 32.87/hr.

Mr. Smith shall work no more than eight (8) hours per week, unless written approval is given by Mayor Wordelmann allowing him to work more than eight (8) hours per week during the position's transition period which will run through August 31, 2014.

Adopted: 3 ayes, (Denn, Di Salvo, Drago), 1 nay, (Jablonski)

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
SPECIAL USE PERMIT - FENCE
101 NICHOLAS AVE.

Mr. Jason Thornley, 101 Nicholas Ave., has submitted an application for a Special Use Permit regarding his proposal to erect approximately 92 lineal feet of 6 ft. high privacy (vinyl) fence as a back yard enclosure. 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 6:50 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 asked Mr. Thornley if he would like to briefly explain his fence proposal.

Mr. Thornley indicated his residential property is in close proximity to the commercial district along East Fairmount Ave. In addition to wanting some back yard privacy from the nearby businesses he has a dog that he would like for it to be able to run free in the back yard.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 6:55 PM, and indicated, although he isn't always in favor of 6 ft. high fences, under the circumstances, he would recommend that the Board of Trustees approve Mr. Thornley's application for a special use permit.

JULY 28, 2014 (CONTINUED)

RESOLUTION #51-2014-2015 - APPROVE SPECIAL USE PERMIT (FENCE) APPLICATION

Motion by Trustee Denn, seconded by Trustee Drago, to grant/approve the Special Use Permit application as submitted by Mr. Jason Thornley, 101 Nicholas Ave., whereby he will be allowed to erect approximately 92 lineal feet of 6 ft. high privacy (vinyl) fence as a back yard enclosure 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 #52-2014-2015 - AUTHORIZE BOND ANTICIPATION NOTE RENEWAL

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 renewal in the amount of \$ 63,724.00 to finance the balances owed on the 2011 Case backhoe and the 2012 International dump truck.

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

RESOLUTION #53-2014-2015 - REAPPOINT TREE COMMITTEE MEMBERS

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, for Mayor

Wordfelmann to reappoint Mr. Richard Rose, 42 Gifford Ave. as Chairman of the Village of Lakewood Tree Committee and its contributing members: Ms. Tammy Backwell, 65 West Terrace Ave., (one year), Mr. Jack Hemink, 51 West Terrace Ave., (one year), Ms. Valerie Dow, 10 Stoneman Ave., (two years) and Mr. Scott Smith, 110 Winchester Road, (two) years.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

Motion by Trustee Denn, seconded by Trustee Di Salvo, and unanimously carried
the Board adjourned at
6:58 PM.

Joseph M. Johnson
Village Clerk