

SEPTEMBER 28, 2015

The thirty-sixth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, September 28, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Ellen E. Barnes, 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, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson.

#### APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held September 14, 2015. Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

#### AUDIT OF CLAIMS

Motion by Trustee Barnes, seconded by Trustee Jablonski, that the claims as audited by the Auditing Committee of the abstract dated September 28, 2015 be approved and that the Clerk shall execute said abstract and direct payment by the Treasurer. Trust & Agency Fund: \$ 58,136.78, (Checks #3494 thru #3508), General Fund: \$ 75,646.12, (Checks #12090 thru #12122) Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the curbing and sidewalk project on Mall Blvd. has begun with the construction of a short retaining wall on the corner of Mall Blvd. and Rt. 394. Mr. Pilling said the contractor, (R. Patti Concrete-Excavation, Jamestown, N.Y.), will next be laying out the sidewalk and curbing. Mr. Pilling also reported that the crew will be busy with a sidewalk replacement project on Bentley Ave. and finishing up a few pipe projects in October prior to the annual leaf pick-up which will begin the first Monday in November.

Mayor Wordelmann indicated that he recently had the opportunity to see the newly acquired brush grinder in action at the brush dump on the Hoag Road, adding it operates nicely. Mayor Wordelmann then asked Mr. Pilling if there are plans to plant any trees along the west side of Mall Blvd. in conjunction with the sidewalk and curbing project.

Mr. Pilling said he would like to create some swales along the west side of Mall Blvd. and doesn't know if trees will be part of project. He did note that there are a few trees already in front of Panera Bread.

Police Chief John R. Bentley reported the Lakewood-Busti Police Department has responded to eight thousand six hundred eighty-four reportable incidents year-to-date and that the annual Busti Apple Festival held yesterday went very smoothly. Chief Bentley also reported that Officers T. A. Riley and W.A. Cummings recently attended a two (2) day advanced shooting school and that the Big Tree Road, between Baker St. Ext. and Cowing Road will be closed for two weeks for the purpose of installing a new storm water culvert under the

road.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to six hundred seventy-three alarms year-to-date. The majority of the alarms the past two weeks were routine Emergency Medical Service (EMS) calls. Chief Hallberg indicated that the fire department will be conducting their annual open house 12: 00 noon - 4:00 PM, Saturday, October 10<sup>th</sup> which will include a celebration commemorating the 100<sup>th</sup> anniversary of the 1915 Ford Model-T chemical fire truck, which was a gift to the fire department from car maker J. W. Packard.

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Chief Hallberg said the open house will coincide with fire prevention week adding the fire department will be participating in a series of demonstrations at the Southwestern Central School Campus Wednesday, October 7<sup>th</sup>. Chief Hallberg extended an invitation to the open house to Mayor Wordelmann and the Board of Trustees who act as the Board of Fire Commissioners. Chief Hallberg concluded his report by noting that the concrete floor at the fire station has been resurfaced.

Village Treasurer Andrea J. Windoft reported that the Village of Lakewood recently received funding in the amount of \$ 27,450.00 from New York State, \$ 24,255.00 of which is the annual All Incentive to Municipalities (AIM) payment with \$ 3,195.00 the annual Per Capita Aid (PCA) payment. Mrs. Windoft said the amount received was exactly what was budgeted on the revenue side of the ledger.

Building Inspector Jeffrey A. Swanson reported that he recently mailed fourteen letters to area businesses instructing them to comply with the current Village of Lakewood zoning law with respect to signs.

Village Attorney Wright asked Mr. Swanson if he has addressed the number of temporary signs that are located within the public rights-of-way.

Mr. Swanson said two weeks ago, with assistance from members of the DPW crew, he collected and disposed of a number of non-compliant temporary signs, however it wasn't too long afterward there were a like number of temporary signs located within the public rights-of-way.

Village Attorney Wright indicated that if some temporary signs are removed, the Village of Lakewood needs to be consistent with its enforcement policy and remove them all.

Trustee Jablonski indicated he believes some of the temporary signs are a freedom of speech and therefore shouldn't be removed.

Village Attorney Wright indicated that if temporary signs aren't either political signs or real estate signs, they should be considered illegal.

Mayor Wordelmann said the Village of Lakewood must enforce the sign rules and regulations whether one agrees with them or not. Mayor Wordelmann then instructed Building Inspector Swanson to enforce the sign rules and regulations as time permits.

Trustee Jablonski indicated the subject of temporary signs needs clarification prior to making any amendments to the section of the Village of Lakewood zoning law regarding signs.

Trustee Drago indicated that there has been some miscellaneous junk in front of the rental property at 23 Gifford Ave. for the past two weeks and asked Building Inspector Swanson if he could investigate the matter.

Building Inspector Swanson indicated to Trustee Drago he will gladly check it out tomorrow.

Building Inspector Swanson reported he has been working on the process to have the unsafe structure at 8 Olive Ave. razed and lot cleared of all construction and demolition material. Until contractors engage the project it is unclear how much asbestos is on the site to trigger an asbestos investigation and/or an asbestos abatement program. Mr. Swanson said the cost to raze the structure and clear the site has been estimated at between \$ 15,000.00 and \$ 20,000.00. Mr. Swanson also indicated that he has spoken with Village Attorney Wright regarding the legal steps that need to be taken prior to any work being done on site.

Mayor Wordelmann indicated the Village of Lakewood needs to move forward in a timely manner to demolish the unsafe structure at 8 Olive Ave. and completely clean-up the site.

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Building Inspector Swanson said he will work with Village Attorney Wright to get a letter to the property owner explaining the timetable when he will be able to access the premises to retrieve any personal belongings and advising him of the demolition and clean-up schedule.

Trustee Di Salvo suggested that the owner of 8 Olive Ave. be asked to deed his property to the Village of Lakewood in order to take advantage of some funding available through the Chautauqua County Land Bank. Trustee Di Salvo indicated the property in question likely has a negative value so any funding available through the Chautauqua County Land Bank would help defray the demolition costs.

Building Inspector Swanson said even if the owner agreed to do so, getting the necessary paperwork in order to qualify for funding from the land bank would be time consuming.

Trustee Di Salvo said if the Village of Lakewood were to fund the demolition and clean-up of 8 Olive Ave. up front, there may be a possibility of being reimbursed those costs after the fact by the Chautauqua County Land Bank if Mr. Carlson were to deed the property over to the Village of Lakewood. It was Trustee Di Salvo's opinion that the property in question has a negative value. He said it is worth a try.

#### COMMITTEE REPORTS

Parks & Recreation Committee Chairman Jablonski asked Mayor Wordelmann the status of the letter to Town of Busti Supervisor Robbins drafted by Village Attorney Wright requesting a report detailing the fund balance of the joint recreation account that the Village of Lakewood had contributed to over the years.

Mayor Wordelmann indicated that copies of the letter were distributed to the Board of Trustees for their review and comment.

Trustee Jablonski indicated that if his memory serves him correctly, members of the Board of Trustees had no issues with the content of the letter and it was understood at the time it was going to be sent to Supervisor Robbins.

Mayor Wordelmann indicated that the letter should come from the Board of Trustees.

Trustee Jablonski said he believes letters dealing with official village business should be signed by the Mayor.

Trustee Di Salvo indicated the Board of Trustees had previously discussed amending or repealing Chapter 13, [Hawking, Peddling, & Soliciting] of the Village Code and asked Mayor Wordelmann if there is any reason why we can't move forward on this matter. Trustee Di Salvo said he would be happy to draft amendments to that chapter of the Village Code and present them to Mayor Wordelmann, the Board of Trustees and Village Attorney Wright for their review and comment.

Mayor Wordelmann said he has no objection with Trustee Di Salvo drafting amendments to Chapter 13 of the Village Code and thanked him on behalf of the Board of Trustees for addressing this matter.

#### ANYONE TO BE HEARD

Me. Charles McChesney, 218 West Summit Street, appeared before Mayor Wordelmann and the Board of Trustees to discuss and review the particulars of a 1985 storm sewer easement agreement entered into by the owners of 218 West Summit Street and Village of Lakewood.

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Mr. McChesney indicated that the Village of Lakewood, via this easement agreement, was granted a 20 ft. wide easement between his house and his neighbor's house at 222 West Summit Street, from the northerly street line of West Summit Street to the lake's shoreline, allowing access to the storm sewer pipe and its outfall into the lake for maintenance purposes.

Mr. McChesney said the agreement clearly states that the Village of Lakewood, as the Grantee, shall promptly remove all debris, gravel and mud deposited on the shores of Chautauqua Lake which shall pass through such storm sewer pipe. Mr. McChesney requested that the Village of Lakewood fulfill its responsibility, as spelled out in the easement agreement, to make plans to remove the large gravel delta that has formed at the storm water pipe's outfall.

Mr. McChesney then reviewed photos of the pipe's outfall and gravel bar with Mayor Wordelmann and members of the Board of Trustees. Mr. McChesney said it has been about ten years since he first brought this matter to the attention of the Board of Trustees and it has come time for some relief and action by the Village of Lakewood. Mr. McChesney said he is hopeful that a plan could be put into motion so that within the next year the gravel bar could be removed.

Mayor Wordelmann indicated to Mr. McChesney that he and Department of Public Works Supervisor Thomas R. Pilling recently visited the site and a problem he sees with any proposal to remove the gravel delta, is how to best access the lake in order to be able to truck the material off site. Mayor Wordelmann also noted that any work along the Chautauqua Lake's shoreline will require a permit and approval from the New York State Department of Environmental Conservation.

Mr. Pilling indicated to Mayor Wordelmann and Mr. McChesney that he will look into the permit process for such a project.

Mr. McChesney thanked Mayor Wordelmann and the Board of Trustees for their time this evening.

Chautauqua County Legislator P.J. Wendel appeared before Mayor Wordelmann and the Board of Trustees to report that the increase in Chautauqua County's sales tax, (7.5% to 8%) will begin December 1, 2015 and that County Executive Horrigan is proposing a 4.6% reduction in property taxes.

Trustee Jablonski asked Legislator Wendel if he knew why the Chautauqua County Department of Public Facilities decided to mill and pave Southwestern Drive the first week of the new school year.

Legislator Wendel indicated he didn't have an answer for Trustee Jablonski's question, nor questions about the detour on Big Tree Road, between Baker St. and Cowing Road.

Mr. James Saullo, 13 Highland Ave., appeared before Mayor Wordelmann and the Board of Trustees, and proceeded to ask a few general questions on zoning. Upon learning that a cell tower was being proposed nearby, Mr. Saullo asked if the Village of Lakewood is for or against it.

Mayor Wordelmann indicated to Mr. Saullo that in accordance with the Village of Lakewood Zoning Law, communication towers are not a permitted use within an R-1, [Single-Family Residential District], or an R-2, [Multi-Family Residential District]. Communication towers however are allowed via a Special Use Permit in the B-2, [Highway Business District] and the L-1, [Light Industrial District]. Although the zoning law does allow communication towers through a special use permit in certain districts, Mayor Wordelmann said he for one is not in favor of them.

Ms. Greta Smith, 227 West Summit Street, appeared before Mayor Wordelmann and the Board of Trustees to voice some concerns she has on how the Lakewood Memorial Library is run. Ms. Smith said it would be nice if the library was open more evenings adding the smaller Ashville Library is open ten more hours per week than the Lakewood Memorial Library is.

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Because her taxes help support the library she is very concerned with the difference paid out in salaries annually, between the Ashville Library, approximately \$17,000, and the Lakewood Memorial Library, over \$ 100,000.00. Ms. Smith said the Lakewood Memorial Library has six paid employees and from her perspective it doesn't add up or make sense.

Mayor Wordelmann indicated to Ms. Smith that the Board of Trustees does not oversee the Lakewood Memorial Library's Board of Trustees, however to improve

the communication between the two entities, Mr. Ben Blood, a Library Trustee, has been attending our meetings while a member of the Board of Trustees will be attending their meetings.

Mr. Blood encouraged Ms. Smith to attend the Lakewood Memorial Library's Board of Trustee meetings to voice her concerns and ask questions in that forum rather than to smear the library's role and reputation in the community at a Village Board meeting.

RESOLUTION #186-2014-2015 - POSTPONE NEXT REGULAR BOSR OF TRUSTEES MEETING

Motion by Trustee Di Salvo, seconded by Trustee Barnes, that due to the Columbus Day Holiday, (October 12<sup>th</sup>), to postpone the next regular meeting of the Board of Trustees, previously scheduled for Monday, October 12, 2015, until Tuesday, October 13, 2015. The meeting will be held in the Board Room of the Anthony C. Caprino Municipal Building at 6:30 PM, preceded by a 6:00 PM work session.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

RESOLUTION #187-2014-2015 - AUTHORIZE CONFERENCE ATTENDANCE

Motion by Trustee Jablonski, seconded by Trustee Drago, authorizing members of the Board of Trustees, Planning Board, Zoning Board of Appeals and other Village of Lakewood officials to attend the Stormwater Management Conference, to be held Thursday, October 29, 2015, at the Holiday Valley Resort, Ellicottville, New York and/or the Fall Planning & Zoning Conference, sponsored by Southern Tier West, to be held Thursday, November 5, 2015, at the Chautauqua Suites Hotel & Expo Center, Mayville, New York.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

RESOLUTION #188-2014-2015 - HEALTH INSURANCE PLAN SELECTION - 2016

Motion by Trustee Drago, seconded by Trustee Barnes, per the recommendation of Mayor Wordelmann for the Village of Lakewood to continue the current health care plan for its eligible employees, (Independent Health's iDirect Gold) through December 2015, and select Independent Health's iDirect Gold Copay plan for the calendar year 2016.  
Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

Motion by Trustee Jablonski, seconded by Trustee Barnes and unanimously carried the Board adjourned at 7:16 PM.

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Joseph M. Johnson  
Village Clerk

