

DECEMBER 8, 2014

The seventeenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, December 8, 2014 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, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney Edward P. "Tad" Wright, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent were Trustee Gale A. Denn and Building Inspector Jeffrey A. Swanson.

#### REVIEW OF ZONING LAW

Mayor Wordelmann wished to take a few minutes to review a revised Section #25-41, [Drive-In Establishments], of the Village of Lakewood Zoning Law with members of the Board of Trustees and how that particular section regulates businesses such as Farmer Brown's Food Concession, which operated at 274 East Fairmount Ave., this past summer. Mayor Wordelmann indicated that manager Mr. Jeremy Hirliman recently submitted a preliminary site plan for review and comment by the Board of Trustees. Mayor Wordelmann indicated to Mr. Hirliman it could be a couple of months before Section #25-41 is adopted as revised, however he should feel comfortable in moving forward to advertise for next year.

Village Attorney Wright suggested to Mr. Hirliman that if he has any questions concerning the special use permit application process to be sure to contact Building Inspector Jeffrey A. Swanson for assistance.

#### 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 November 24, 2014. Adopted: 3 ayes, no nays (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 December 8, 2014 be approved and that the Clerk shall execute said abstracts (#6, #28 & #29) and direct payment by the Treasurer. Capital Fund: \$ 2,540.36, (Checks #11254 thru #11295), Trust & Agency Fund: \$ 54,786.11, (Checks #3179 thru #3193), General Fund:  
\$ 310,313.94, (Checks #11257 thru #11295)  
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the annual leaf pick-up has been completed and that water has been introduced into the new pond adjacent to the baseball field currently under construction off Linwood Ave. Mr. Pilling also reported that interior work on the new D.P.W. storage building is continuing.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to eleven thousand five hundred reportable incidents year-to-date and that a methamphetamine lab operation at a local mobile home park was recently put out of business. Chief Bentley indicated at one time there were eleven "one pot" methamphetamine cookers in the trailer.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to seven hundred fifty-two alarms year-to-date. Chief Hallberg indicated the cause of the fire that destroyed the El Azteca Mexican Restaurant at 12 W. Fairmount Ave. this past Friday has not yet been determined.

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Chief Hallberg said the Lakewood Fire Department with the help of other area fire departments made a "good stop" of the initial fire but it is unclear as to how the fire rekindled five minutes after Chautauqua County Fire Investigators left the scene. The second fire destroyed the rest of the building resulting in a complete loss. Chief Hallberg indicated everyone worked very hard battling the fire and proceeded to thank all the departments that provided mutual aid during the blaze, adding it was a very busy day.

Chief Hallberg also reported that he and members of the truck committee are in the process of reviewing the bids for a 1500 GPM Pumper and will be meeting later this evening with a salesman representing the low bidder.

Trustee Di Salvo, after offering Chief Hallberg condolences on the recent death of his mother, asked if he could explain his comments made at a previous meeting of the Board of Trustees, when he stated the Lakewood Fire Department can not guarantee hospital transport service 24 hrs./day, 7 days a week when it comes to the question of charging individuals for this service.

Chief Hallberg indicated that the Lakewood Fire Department has not had enough Emergency Medical Technician (EMT) response to be able to charge for the transport service. Chief Hallberg said when there isn't adequate EMT response from within the department they have to rely on mutual aid or assistance from WCA Ambulance Service, especially during the day when the number of first responders is depleted.

It is difficult to charge for a service that at times can not be provided.

Trustee Di Salvo asked the question, what does the Lakewood Fire Department need to do to get to that point when transport service can be guaranteed.

Chief Hallberg said a joint committee made up of members from the Lakewood Fire Department and the Busti Fire Department are looking into ways how to properly go about charging for hospital transports. The idea is to generate enough revenue via the paid transports to allow ambulance service for the respective fire department to eventually become self-sustaining. To do so would require the formation of a separate corporation that would maintain its own financial records. Based on information gathered from area fire departments that currently charge for hospital transports it takes three to five years before a profit is realized. Chief Hallberg said the problem lies in having enough members wanting to take the EMT course and then willing to keep up on all the additional training that is required in order to maintain their status.

Trustee Di Salvo asked Chief Hallberg what percentage of time does the

Lakewood Fire Department need assistance when responding to emergency medical service alarms.

Chief Hallberg said between 40% - 50%. He said the Lakewood Fire Department is more or less a daytime department because of how the population of the district swells during the day within the commercial corridor and at area factories. Chief Hallberg said neighboring fire departments are also experiencing EMT shortages. He indicated the joint committee will reconvene after the first of the year to continue their discussion on this matter.

Trustee Di Salvo asked Chief Hallberg if the committee will be looking at fire districts comparable in size and to see if after two or three years has it been worth it for them.

Chief Hallberg indicated the two fire districts the committee has been in touch with are Allegany and Randolph.

Mr. David Bargar, 11 Sunset Ave., asked if the hospital transport service provided by area fire departments gets abused by individuals, would a modest service charge possibly reduce abuse of the system.

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Chief Hallberg indicated that the Lakewood Fire Department has its share of what they call "frequent flyers", but those cases represent a very low percentage of the emergency medical service alarms over a given year. Chief Hallberg did say that people do call 911 for minor medical emergencies more now than they did a few years back. Chief Hallberg said the Lakewood Fire Department answered 831 alarms last year and of course the ambulance is requested for all the runs and walks that take place in the Village of Lakewood. He said it has become increasingly difficult to recruit new volunteers when they are asked to respond on average three times a day over a calendar year.

Trustee Di Salvo said he wanted to make it clear that the fire department would bill the patient's insurance company for the any hospital transport charges.

Village Attorney Wright asked if there is a difference between the emergency medical technician certifications for paid service versus unpaid service. If not, there would be no impact on those technicians currently providing this service.

Chief Hallberg said the EMT certifications are the same for paid or volunteer service. The committee will need to talk to the fire districts that currently provide paid hospital transport service to get a feel how it has worked for them.

Joseph M. Troche, 19 Winchester Road, asked if revenue generated by the paid ambulance service would be deposited into the general fund of the Village of Lakewood.

Village Attorney Wright wanted to make it clear that a paid ambulance service would be required to form its own corporation, separate from the fire department and the Village of Lakewood. Any money generated would stay in the corporation's coffers to purchase EMS supplies and equipment. The goal of the ambulance service corporation would be to eventually become a self-funding

entity.

RECESS

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, to recess the regular meeting so as to conduct a previously scheduled public hearing at 6:45 PM.

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

PUBLIC HEARING: 6:45 PM  
LOCAL LAW #4-2014  
ZONING LAW AMENDMENTS

Mayor Wordelmann opened the public hearing by asking the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper. Mayor Wordelmann indicated that the Chautauqua County Planning have reviewed the proposed amendments and found that they will not have any significant county-wide or inter-community impact and that the proposal would be a matter of local concern. Mayor Wordelmann indicated upon learning of Mr. William McFadden's new and used car dealership proposals late this past summer, the proposed zoning district overlay was expanded to include his project sites. Mayor Wordelmann then briefly explained the proposed zoning law amendments to Section #25-43, [Vehicle Sales]. He noted that Section #25-43 limits the number of auto dealerships within the Village of Lakewood to eight. He then described the boundaries of the new B2.1 zoning overlay district within which auto sales and adult novelty stores would be permitted.

Mayor Wordelmann asked if anyone has any questions concerning proposed amendments to Section #25-43, [Vehicle Sales].

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Mrs. Marion Gibbon, 92 West Summit Street, asked Mayor Wordelmann if the proposed amendments will be retroactive.

Mayor Wordelmann explained that existing vehicle sales lots are "grandfathered" in, however for example if and when the car dealerships on Chautauqua Ave. cease to exist, any plans to establish a new dealership in its place would not be permitted.

Mr. Joseph M. Troche, 19 Winchester Road, asked a couple questions regarding the issuance of auto sales licenses and whether or not someone could own more than one dealership under a single license.

Mr. Louis S. Drago, Jr., 9 Brook Street, asked if an auto dealer, who has been issued a license, whether or not they could sell that license.

Village Attorney Wright indicated if the business is sold the license would stay with the business, however if the business closed, the license would revert back to the Village of Lakewood.

Trustee Jablonski indicated it is his opinion if a dealership opened a new

car dealership on one side of the street and a used car dealership across the street, they should be issued separate licenses.

Village Attorney Wright said Mr. McFadden's dual car dealerships have been treated as a single dealership under the Toyota banner, however in going forward he agrees with Trustee Jablonski that each dealership should apply separately for a license. It boils down to an interpretation question which will be at the discretion of the Board of Trustees.

Trustee Jablonski wished to state for the record that he doesn't believe the Board of Trustees should be regulating the number of vehicle dealership licenses in that the number is very arbitrary and fraught with confusion on the license count. Trustee Jablonski said he also has an issue with item #10 of Section #25-43, regarding the minimum lot size/required space to display fifty vehicles, saying it is discriminatory towards small businesses.

Mayor Wordelmann admitted the maximum number of car dealerships to be allowed could be challenged, however any changes made now in Section #25-43, would result in going back to square one delaying the adoption of the proposed zoning law amendments.

Trustee Drago indicated the zoning law review committee presented the idea of a minimum lot size for vehicle dealerships as a means to eliminate small "Mom & Pop" run car lots.

Village Attorney Wright indicated the reason the zoning law review committee introduced the minimum lot size requirement was not to potentially tie up pieces of prime commercial real estate along Rt. 394 with "Mom & Pop" dealerships.

Trustee Di Salvo indicated although certain zoning limitations have been challenged in the past in other communities, the Board of Trustees has exhibited good legislative intent and should have a leg to stand on if challenged on this matter.

With no other questions or comments on vehicle sales, Mayor Wordelmann then briefly described the particulars of the newly introduced Section #25-53, [Adult Establishment] as proposed. Mayor Wordelmann indicated the First Amendment of the U.S. Constitution gives individuals the right to free speech which in turn requires municipalities to provide a zoned area within which an adult establishment be allowed. Mayor Wordelmann indicated Section #25-53 contains some very restrictive area standards which limits where within the new district overlay an adult establishment or adult novelty store could be located.

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Motion by Trustee Drago, seconded by Trustee Di Salvo, to close the public hearing at 7:21 PM, and proceeded to reopen the regular meeting.

RESOLUTION #87-2014-2015 - ADOPT LOCAL LAW #4-2014 - ZONING LAW AMENDMENTS

Motion by Trustee Di Salvo, seconded by Trustee Drago, for the Board of Trustees to adopt Local Law #4-2014, approving the following local zoning law amendments. Revisions to Section #25-43, [Vehicle Sales], the addition of

Section #25-53, [Adult Establishment] and the creation the B2.1 zoning district overly as it relates to Sections #25-43 & #25-53.  
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

REPORTS (CONTINUED)

Village Attorney Wright indicated he had no report however he would like to make a suggestion for Mayor Wordelmann and the Board of Trustees to consider. Mr. Wright said if his memory serves him right, Mayor Wordelmann raised the question about looking into the possibility of charging for hospital transports about three years ago. He suggested for Mayor Wordelmann and the Board of Trustees to consider asking the joint committee presently researching the possibility of charging for hospital transports to see if a representative from the Board of Trustees could sit-in on their discussions in an effort to move forward more quickly on reaching a decision one way or another.

Village Treasurer Andrea J. Windoft reported that she produced and distributed a memo to Mayor Wordelmann and members of the Board of Trustees for their review and comment as requested following the executive session held December 8, 2014.

Ms. Susan Lane, Village Historian reported that the History Museum's first scholarship has been awarded to Josh Ulinger who lives on Ohio Ave. Mr. Ulinger will be studying history at the State University of New York at Buffalo. Ms. Lane said members of the history committee became one day tour guides back in July when a large group of people from Warren, Ohio came to town to visit the museum and tour some of the former Packard properties in the Village of Lakewood. Ms. Lane said the museum was open for two hours on Saturdays in August and September and had more visitors than expected. Ms. Lane said articles in The Post-Journal on the Packard Tour and the dedication of the World War II Honor Roll plus articles in the Briefly Section have given the history museum a little boost publicity wise. Ms. Lane said the History Museum held an open house this past Saturday in conjunction with the Women's Club of Lakewood Christmas in the Village festivities. She indicated that history committee member Mr. Roger Gilbert, is in the process of writing a book on the history of the Quonset hut building that is the home of the Busti Recreation Center, 9 West Summit St. Looking ahead to 2015 Ms. Lane said she and the history committee would like to hold a 100 year anniversary celebration sometime this summer for the original Lakewood Fire Hall/Village Hall/Anthony C. Caprino Municipal Building, built in 1915. Automaker J.W. Packard donated the land on which it was built and \$ 1,500.00 towards its construction.

On behalf of the Board of Trustees Mayor Wordelmann thanked Ms. Lane and the entire history committee for all they do to keep Lakewood's history alive.

ANYONE TO BE HEARD

Mr. Louis S. Drago, Jr., representing the Lakewood Kiwanis Club, presented a check in the amount of \$100.00 to Police Chief John R. Bentley, to be used towards the Lakewood-Busti Police Department's new K-9 Unit.

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Chautauqua County Legislator P.J. Wendel appeared before Mayor Wordelmann and the Board of Trustees to report he just returned from an Environmental Sub-Committee meeting. One of the subjects discussed at the meeting was sediment control. Committee Chairman Pierre Chagnon urged those Chautauqua County communities who have not adopted stormwater management, erosion and sediment control measures, which include the Town of Busti and the Village of Lakewood, to do so in a timely manner. Legislator Wendel indicated another environmental issue that Chautauqua County is concerned with is septic systems throughout the county. Three points of discussion were making sure they all function properly, instituting a fair inspection policy and accompanying fee schedule and the possibility of setting up septic system districts throughout the county. Legislator Wendel said obviously the main goal in adopting rules and regulations pertaining to sedimentation and septic systems is to protect the county's watersheds, in particular the Chautauqua Lake watershed.

Trustee Di Salvo asked Legislator Wendel, what will be the role of the newly formed Chautauqua Lake & Watershed Management Alliance regarding these issues.

Village Attorney Wright indicated the primary purpose of the Chautauqua Lake & Watershed Management Alliance is to facilitate the procurement of grant money from outside Chautauqua County.

Legislator Wendel said in addition to being a watershed issue, improperly functioning septic systems are a health issue. He then wanted to make it known that those in the business of farming/agriculture have done great things to reduce runoff from their fields into the watersheds.

Mayor Wordelmann said it is about time people stop talking about the issues and start doing something about them.

#### COMPLETE STREETS PROGRAM

Trustee Di Salvo indicated the process for the Village of Lakewood to adopt a Complete Streets Program began over a year ago with the aid of Ms. Lisa Schmidtfrerick-Miller, Healthy Communities Coordinator, from the Chautauqua County Department of Health. An initial concern of the program was whether the Village of Lakewood was being asked to make a commitment to funding that wasn't budgeted. Trustee Di Salvo indicated that the Complete Streets Program would trigger State Environmental Quality Review (SEQR) in that it would be considered a Type I Action. In a nut shell Trustee Di Salvo said any street and/or sidewalk project being considered will be reviewed before a final plan is approved to make sure the project is made accessible to everyone. Trustee Di Salvo said about a dozen Western New York communities have adopted similar ordinances. If NYSDOT or the Chautauqua County DPF were to consider improvements to either Rt. 394 or Summit Street, (CH #110), it is advantageous to have legislation on the books stating that this Board recognizes pedestrians and cyclists, not just vehicular traffic. A prime example of the strength of a Complete Streets Program occurred in Hamburg, N.Y. a few years back, where a typical NYSDOT paving project, after some community intervention, turned into an award winning streetscape. Trustee Di Salvo stressed that this program does not commit the Village of Lakewood to funding it can not afford and encouraged Mayor Wordelmann and the Board of Trustees to consider it as a first step to move the idea forward.

Trustee Jablonski said he fully supports the adoption of a Complete Streets Program and anything that potentially could make the Village of Lakewood more appealing he would be in favor of.

Trustee Drago said the Board of Trustees has heard talk of the Complete Streets Program for some time now and believes it would be important for the Village of Lakewood to adopt such a program.

Mayor Wordelmann agreed, saying the document, upon approval by the Board of Trustees, should be sent to the Chautauqua County Department of Planning for their review and comment.

DECEMBER 8, 2014 (CONTINUED)

RESOLUTION #88-2014-2015 - APPROVE COMPLETE STREETS PROGRAM

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, for the Board of Trustees to approve the Complete Streets Program for the Village of Lakewood and to submit the document to the Chautauqua County Department of Planning for their review and comment.

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

TECHNICAL ASSISTANCE GRANT

Mayor Wordelmann asked Mr. Ted McCauge, 12 Park Lane, Chairman of the Comprehensive Plan Committee, if he would like to say a few words regarding the committee's desire to apply for a Technical Assistance Grant and how it relates to the Comprehensive Plan Process.

Mr. McCague said thanks to an invitation from Trustee Di Salvo, the committee met with Mr. Joshua Freifeld, Executive Director of the Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC), Wednesday, December 3<sup>rd</sup>. Mr. Freifeld said one possible funding option in connection with a Comprehensive Plan would be a Technical Assistant Grant. Mr. McCauge said according to Mr. Freifeld the timing is perfect to start the application process who then suggested the following. Have the Board of Trustees adopt a resolution authorizing the grant application, get letters of support from area elected officials & local business leaders and then proceed with grant application process. Mr. McCauge said the resolution from the Board of Trustees is a very important first step.

Mr. Craig Seger, 31 Winchester Road, member of the Comprehensive Plan Committee, indicated that Mr. Freifeld was extremely positive and provided incredible feedback.

Trustee Di Salvo indicated the dollar amount of this grant is \$ 20,000.00, \$ 3,000.00 to \$ 5,000.00 of which will go to CHRIC for administrative fees, adding it is a 5% matching fund grant.

RESOLUTION #89-2014-2015 - AUTHORIZE SUBMITTAL OF GRANT APPLICATION

Motion by Trustee Di Salvo, seconded by Trustee Drago, for the Board of Trustees to authorize the Village of Lakewood to submit an application for a Technical Assistance Grant as it relates to the New York State Main Street

Program via the New York State Homes & Community Renewal Office, Albany, New York.

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

RESOLUTION #90-2014-2015 - THANK CITIZENS ADVISORY COMMITTEE

Motion by Trustee Jablonski, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to formally thank the entire Citizens Advisory Committee, in particular Mr. David G. Barger, Committee Chairman, for their work and research in compiling their Recommendation Report on their recommendations regarding the use and functionality of Town of Busti owned buildings at 9 West Summit Street and 125-127 Chautauqua Ave. and the Village of Lakewood owned building at 20 West Summit Street. Mayor Wordelmann indicated members of the Board of Trustees have received copies of the report and are reviewing the particular sections that pertain to the Village of Lakewood. Mayor Wordelmann said he looks forward to working with Mr. Barger and the Citizens Advisory Committee whenever possible.

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

DECEMBER 8, 2014 (CONTINUED)

RECESS

Motion by Trustee Drago, seconded by Trustee Jablonski, to recess the regular meeting so as to enter into executive session to discuss a personnel matter.

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Susan F. Drago, Trustee David J. Di Salvo, Trustee John Jablonski and Village Attorney Edward P. "Tad" Wright. Motion by Trustee Drago, seconded by Trustee Di Salvo, to adjourn the executive session at 8:07 PM and 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.

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Joseph M. Johnson  
Village Clerk