

SEPTEMBER 8, 2014

The eleventh regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, September 8, 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. "Tad" 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 Denn, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held August 25, 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 September 8, 2014, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Capital Fund: \$ 10,976.60, (Checks #11009 thru #11011),
Trust & Agency Fund: \$ 55,205.31, (Checks #3095 thru #3111), General Fund: \$ 28,275.60, (Checks #11012 thru #11039)
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the new storage building under construction has been enclosed, the concrete floor has been poured and the electric service has been installed. Mr. Pilling indicated officials from the New York - Pennsylvania Railroad called recently to inform him funding to repair the railroad crossings at Chautauqua Ave. and Lakeview Ave. isn't available and therefore the two crossings aren't going to be repaired as promised. Mr. Pilling said he talked with railroad officials and has directed the Department of Public Works to "team up" with them this Friday to repair the two crossings as best they can. Mr. Pilling concluded his report stating Lakeview Ave., from E. Terrace Ave. to E. Summit St. and Locust St. north of W. Fairmount Ave. (Rt. 394) are scheduled for milling this week in preparation of them being paved in two weeks.

Trustee Denn asked Mr. Pilling what highway equipment is expected to be stored in the new D.P.W. building.

Mr. Pilling indicated that the new building will be a vehicle maintenance facility.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to eight thousand six hundred eighty-seven reportable incidents year-to-date. Chief Bentley said he would also like to publically commend Investigator Jarrett Reed for the work he did in putting a case together in connection with a recent shooting in the City of Jamestown

that involved a gun stolen from a residence in Lakewood. Chief Bentley also reported that the K-9 unit successfully tracked down a suspect that tried to flee from authorities recently.

Trustee Di Salvo asked Chief Bentley if in the future, could he provide additional details to his monthly reports noting the number and types of crimes that are being committed. By doing so it would give the Board of Trustees and the general public a better understanding of what is occurring in their community crime wise.

SEPTEMBER 8, 2014 (CONTINUED)

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to five hundred sixty-nine alarms year-to-date and this past weekend he and three other members attended a series seminars at the New York State Fire Academy in Montour Falls, New York.

Trustee Di Salvo asked Chief Hallberg, as he had asked Chief Bentley, if he could provide the Board of Trustees with a breakdown of the number and type of alarms the Lakewood Volunteer Fire Department responds to on a monthly basis.

Chief Hallberg indicated to Trustee Di Salvo that he would be happy to provide the Board of Trustees with a copy of the L.F. D's monthly alarm report and make the information available to the general public.

Trustee Jablonski asked Treasurer Windoft if the Village of Lakewood has received any updated sales tax figures that she would like to share.

Treasurer Windoft indicated to Trustee Jablonski she wouldn't be able to quote the exact dollar figure, however the sales tax revenue received by the Village of Lakewood this last quarter exceeded the amount budgeted by about \$ 5,000.00. Mrs. Windoft said she would be pleased to provide Trustee Jablonski with the latest sales tax revenue figure.

Building Inspector Jeffrey A. Swanson reported a couple projects, such as the Yankee Candle store in the Chautauqua Mall and Affinity One Federal Credit Union on Sessions Ave., are nearing completion. He also indicated the proposed Five Guys Burgers & Fries restaurant in the Chautauqua Mall has begun the demolition phase of the project and that work on the Panera Bread restaurant and LUV Toyota Express Lube & Car Wash is moving along on schedule.

Trustee Di Salvo asked Mr. Swanson if he has any information on what is happening at the former Beechwood Restaurant, 400 East Terrace Ave.

Building Inspector Swanson indicated it is his understanding that the building has been sold and the new owners plan to reopen it as a restaurant and possibly reside on the second floor. Mr. Swanson said the motor home at that location should be moved off site very soon.

RESOLUTION #59-2014-2015 - AUTHORIZE SALE OF FORMER POLICE CARS

Motion by Trustee Denn, seconded by Trustee Di Salvo, to authorize the Village of Lakewood to sell two (2) former police cars, one (1) 2008 Ford Crown Victoria and one (1) 2010 Ford Crown Victoria. NOTE: Minimum bids of \$

5,500.00 and \$ 1,000.00 respectively, will be received at or before 3:00 PM, Monday, September 22, 2014 at the Office of the Village Clerk, 20 West Summit Street, Lakewood, New York.

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

RESOLUTION #60-2014-2015 - APPOINT COMPREHENSIVE PLAN COMMITTEE MEMBERS

Motion by Trustee Denn, seconded by Trustee Jablonski, per the recommendation of Mayor David T. Wordelmann, for the Board of Trustees to appoint, Trustee David J. Di Salvo, Mr. Edward J. "Ted" McCauge, 12 Park Lane, and Mr. Craig A. Seger, 31 Winchester Road, as initial members of the Village of Lakewood's Comprehensive Plan Committee. Mayor Wordelmann thanked Trustee Di Salvo, Mr. McCauge and Mr. Seger for coming forward to volunteer their time and energy towards this endeavor.

Mayor Wordelmann said the four questions he would like for this committee to answer are as follows: #1 -

What will the process to create a comprehensive plan entail? #2 - What does the committee plan to achieve by creating a comprehensive plan? #3 - How much will it cost to draft a comprehensive plan? #4 - What will be the benefits of having a comprehensive plan in place?

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

SEPTEMBER 8, 2014 (CONTINUED)

RESOLUTION #61-2014-2015 - AUTHORIZE PURCHASE OF USED EQUIPMENT

Motion by Trustee Denn, seconded by Trustee Drago, authorizing Department of Public Works Supervisor Thomas R. Pilling to purchase a used scissor-lift from Lamb Heating & Cooling, Inc., Jamestown, New York for \$ 2,300.00.

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

RESOLUTION #62-2014-2015 - APPROVE NEW LFD MEMBERS & OUT OF DISTRICT STATUS

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, that the Board of Trustees, acting as the Board of Fire Commissioners, approve Robert Parrish, 18 West Terrace Ave. and Michael Smith, 26 Cook Ave., Jamestown, N.Y., as new members of the Lakewood Volunteer Fire Department and to approve out-of-district status for Michael Smith and Brock Wadsworth, who recently moved from 132 Lakecrest Ave., to 4037 Baker St. Ext., Lakewood, New York.

Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, 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
PROPOSED LOCAL LAW #4-2014
PROPOSED AMENDMENTS & REVISIONS
TO THE LOCAL ZONING LAW

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 asked that those wishing to speak to keep their comments brief and on the proposed amendments and revisions to the local zoning law. Any questions or comments regarding Mr. McFadden's proposed projects should wait until any future public hearings on the subject might be conducted. As always please state your name and address so it may be recorded by the Clerk.

Trustee Jablonski asked Mayor Wordelmann why is the Village of Lakewood going forward with the public hearing in light of the comments received from the Chautauqua County Department of Planning and Economic Development with respect to the Village of Lakewood's submittal of a Municipal Zoning Referral Form.

Mayor Wordelmann indicated although the response from the Chautauqua County Department of Planning and Economic Development noted that the proposed amendments and revisions to the local zoning law would be a matter of local concern, Mr. Donald McCord, Senior Planner, offered a number of opinions, some of which were very good. Mr. McCord noted that the notice of public hearing for this evening's public hearing wasn't published a minimum of ten days prior to the scheduled public hearing and therefore any action taken in connection to the adoption of proposed Local Law #4-2014 would be considered illegal. Mayor Wordelmann indicated he does not anticipate taking any action on this matter at this evening's meeting, and therefore doesn't see anything wrong in discussing the proposed amendments and revisions to the local zoning law and map. Mayor Wordelmann anticipates there will some additional minor revisions to the zoning law and therefore the timeframe to adopt the new zoning law will likely be extended.

SEPTEMBER 8, 2014 (CONTINUED)

Trustee Jablonski asked Village Attorney Wright if Mc. McCord's review and comment was a Chautauqua County Planning Board response versus a response relative to the State Environmental Quality Review Act, (SEQRA).

Village Attorney Wright indicated the first point Mr. McCord makes, (Legislative Procedure), refers to the SEQR process.

Trustee Jablonski said Mr. McCord's comment regarding the improper publication of the public hearing notice was #3 under Legislative Procedure was a referral rather than a SEQR matter.

Village Attorney said he didn't completely understand Trustee Jablonski's question, however if he was referring to item #3, that wouldn't be SEQR related.

Ms. Lisa Vanstrom, Chautauqua County Legislator, representing District 15, said regarding zoning law changes, free market competition will dictate what will be successful or not. Municipalities shouldn't legislate the number of a particular type of business that would be allowed in the community. If the property is zoned commercial everyone should be afforded a fair opportunity to develop it within guidelines of the local zoning law. Ms. Vanstrom commended the business plan Mr. William McFadden has developed. Two positive components of Mr. McFadden's proposal are job creation and boosting property tax revenue. Ms. Vanstrom indicated that Mr. McFadden's two LUV Toyota car dealerships on East Fairmount Ave. are impeccably maintained and he has been

a good neighbor. In conclusion Ms. Vanstrom said Mr. McFadden is not seeking a P.I.L.O.T. (payment in lieu of taxes) program and that his projects would be a win-win situation.

Mr. George Borello, Chautauqua County Legislator and Chairman of the Chautauqua County Legislature's Planning and Economic and Development Committee, indicated to Mayor Wordelmann and the Board of Trustees that Mr. McFadden's project could set a county-wide precedent. He asked members of the Board of Trustees what kind of message does the county want to send to businesses and prospective developers who wish to locate in Chautauqua County. We are often critical of New York State for not being "business friendly", but it is well known that it is difficult to do business in New York State. What I and others are asking this evening is for the Village of Lakewood not to make it more difficult than it already is. Mr. McFadden is willing to invest a lot of money and in doing so he will be creating many good paying jobs. Mr. Borello said he and others are working very hard in trying to land companies that employ hundreds of workers, however the reality is Chautauqua County is about small business. Mr. McFadden's projects expect to create over thirty new good paying jobs. Mr. Borello reiterated the point that Mr. McFadden will not be asking for any tax breaks which is commendable. Mr. Borello respectfully asked Mayor Wordelmann and the Board of Trustees to reconsider the proposed zoning overlays. Their decisions could set a precedent throughout Chautauqua County and send a message to businesses that wish to build, expand or move to Chautauqua County.

Mr. Kevin M. Sanvidge, Administrative Director/CEO of Chautauqua County's Industrial Development Agency, Jamestown, N.Y. wished to briefly follow-up on comments already voiced by Legislator Vanstrom and Legislator Borello. Mr. Sanvidge indicated it is very difficult to create jobs here in Chautauqua County. Upon reviewing Mr. McFadden's business plan, he intends to create thirty good paying jobs that could expand to sixty jobs over time, which would be huge for Chautauqua County. The sale tax dollars that would come back to Chautauqua County via his newly proposed new and used car dealerships would be considerable. In closing, Mr. Sanvidge asked Mayor Wordelmann and the Board of Trustees to consider Mr. McFadden's business proposal.

Mr. Jim Smith, 241 Elmcrest Ave., said he would be in favor of a development that beautifies the neighborhood and brings in additional sales tax revenue. Mr. Smith noted that the LUV Toyota dealership at the end of Elmcrest Ave. has not been a burden for those living nearby and he too would like for the Board of Trustees to consider Mr. McFadden's business proposal.

SEPTEMBER 8, 2014 (CONTINUED)

Mrs. Laura Smith, 241 Elmcrest Ave., indicated she too is a neighbor of the LUV Toyota at 215 East Fairmount Ave. saying the dealership is very well maintained and visually appealing. She asked that Mayor Wordelmann and the Board of Trustees look favorably on Mr. McFadden's newest projects.

Mr. Rich Dixon, CEO for the Chautauqua County Industrial Development Agency, Jamestown, N.Y. said the last time he appeared before the Lakewood Village Board was at the behest of the late Mayor Anthony C. Caprino, when the IDA assisted the Widewaters Group in redeveloping the Lakewood Village Center plaza. Since then more commercial development has occurred along East Fairmount Ave. Mr. McFadden's projects can only enhance what has taken place along East Fairmount Ave., with good paying jobs, attractive facilities and

business hours, without the benefit of a P.I.L.O.T. program. Mr. Dixon said changes in the zoning overlay, to allow these projects to go forward, would be beneficial for not only Lakewood but the entire county.

Mr. William McFadden appeared before Mayor Wordelmann and the Board of Trustees and thanked them for their time this evening for giving him the opportunity to briefly explain a couple of exciting projects he is proposing for East Fairmount Ave. Mr. McFadden said there are three compelling reasons why these projects should move forward, however any one of the reasons should be sufficient to gather support for them. The three reasons are major investment into the community, additional property tax and sales tax revenue and job creation.

Mr. McFadden said he contacted Design Forum, which is a company that assists individuals in the start up of auto dealerships, and they have come up with some great ideas which have been passed down to our local consulting engineering firm. While referencing a proposed site plan for both projects Mr. McFadden indicated the landscaping will be "over the top", making it the nicest piece of commercial property in Lakewood. Mr. McFadden then referenced a wonderful market research study/business plan prepared by Sherry Cecil & Associates, West Valley, New York regarding the two projects. Including the purchase of land, Mr. McFadden said he intends to invest 10 million dollars into these two projects.

Mr. McFadden there is no business that collects sales tax dollars like the car business. The more sales tax dollars Chautauqua County can collect the more of which can be distributed to local municipalities. Mr. McFadden indicated many of his current customers at LUV Toyota come from outside of Chautauqua County, which translates into more sales tax dollars that could have been collected elsewhere.

Mr. McFadden said currently LUV Toyota employs thirty-two people having an average annual salary of \$57,000. Mr. McFadden said he anticipates these projects will initially create sixty new jobs. Mr. McFadden said if you do the math LUV Toyota will be paying approximately 5.5 million in wages to its employees annually. These employees will live and spend money in the local community adding to Lakewood's economic base.

The market research study by Sherry Cecil & Associates provides reason after reason as to why these projects are good ideas and should be allowed to move forward. Mr. McFadden, in conclusion, said as a sixty-six year old, this project will likely be his "last hurrah", adding he would like to do this for the Village of Lakewood and believes it will make a big difference in the community as a whole. Mr. McFadden then thanked everyone in attendance for their input and for listening to his proposals.

Village Attorney Wright said it might be worth noting, so no one is misled, to briefly explain as to how sales tax revenue is distributed. Tax dollar revenue generated in a particular community isn't returned to that community in total.

Mayor Wordelmann indicated that sales tax revenue is distributed to local municipalities by Chautauqua County based on two factors, total assessment and population. Although Lakewood will not be allotted all the sales tax revenue generated by Mr. McFadden's proposed projects, it will receive its fair share.

SEPTEMBER 8, 2014 (CONTINUED)

Mr. Dixon said he believes the sales tax revenue that would be generated by Mr. McFadden's dealerships as proposed is indeed substantial for both the County of Chautauqua and therefor the Village of Lakewood.

Trustee Drago indicated to Mr. McFadden that he provided some very compelling arguments for the Village of Lakewood to consider revising the boundaries of its B-2.1, [Vehicle Sales (New & Used)], zoning map overlay, however Section #25-43 [Vehicle Sales (New & Used)] of the Village of Lakewood Zoning Law contains certain conditions that must be complied with in order to operate a vehicle sales business. Trustee Drago said as long as Mr. McFadden is willing to follow these conditions/restrictions, she would be willing to overwhelmingly support his projects as proposed.

Mr. McFadden said he intends to comply with each and every condition or restriction as set forth in the Village of Lakewood local zoning law to the very letter. With increased traffic along East Fairmount Ave., if the New York State Department of Transportation ever decides to install an additional traffic signal nearby, he would be willing to fund a part of its purchase.

Trustee Denn asked Mr. McFadden, if these projects are permitted to move forward, what would be the timetable from start to finish.

Mr. McFadden indicated remodeling the former Grossman's building as the used car facility and improvements to that site would likely commence early next year, adding this pre-owned car dealership will be unlike any dealership in New York State. Mr. McFadden said the new car facility is going to take more time. Construction expected to begin in the spring of 2016 and be completed by the spring of 2017.

Mrs. Andrea J. Windoft, 226 Woodcrest Ave., asked Mr. McFadden if he plans on keeping the LUV Toyota used car lot at the corner of Woodcrest Ave. and East Fairmount Ave.

Mr. McFadden said for the time being he plans on keeping the used car facility operational, but hasn't ruled out the possibility of selling the property sometime in the future.

With no one else to be heard, Mayor Wordelmann wanted to take a couple of minutes to briefly explain how the zoning law review committee arrived at introducing a zoning map overlay so as to restrict where future car dealerships may be located. The one thing the committee didn't want to see was small independent car sales lots popping-up throughout the B-2, Highway District. The original proposal included both sides of East Fairmount Ave., however that was whittled down to include an area within the B-2, Highway Business District, west of Fairdale Ave. to Lakecrest Ave., south of the East Fairmount Ave., which includes Mall Blvd. Mayor Wordelmann believes the scope of Mr. McFadden's proposal is significant enough to warrant consideration by the Board of Trustees to expand the B-2.1 zoning district overlay to include his two project sites. Mayor Wordelmann indicated the area lost around seventy jobs earlier this year when Premier Die Cast, 201 Winchester Road closed its doors. Any opportunity to create new jobs in the area should be welcomed.

Mayor Wordelmann commended Mr. McFadden for coming forward with these projects at this time and for his willingness to make a considerable

investment in the community.

Trustee Jablonski also wished to commend Mr. McFadden on his ambitious proposal and expressed excitement about the projects, however he would like for the Board of Trustees to adopt site plan regulations as part of any new revisions to the local zoning law and map. Trustee Jablonski would like for the new site plan regulations to spell out to developers, guidelines for landscaping design, shade trees, signage, etc.

Mayor Wordelmann said that has been the plan all along. Once other aspects of the zoning law review process are behind us, the Board of Trustees was to look at site plan review regulations separately.

SEPTEMBER 8, 2014 (CONTINUED)

Trustee Di Salvo indicated that he and Trustee Jablonski accepted an invitation from Mr. McFadden to meet with him and his architect on the site last week. Trustee Di Salvo said it afforded Trustee Jablonski and me a wonderful opportunity to review the projects in detail. Mr. McFadden expressed an interest in working with the Village of Lakewood in putting together an exemplary site plan, one that the Village of Lakewood could use as an example going forward. Mr. McFadden said as a developer, it is always best to know up front what is expected and what the vision of the community is.

Mayor Wordelmann indicated that he and Trustee Di Salvo discussed the possibility of separating out some of the proposed amendments/revisions to the zoning law and acting on them, in particular some of the moratoria that are still in place. Mayor Wordelmann said he inclined to go along with Trustee Di Salvo's suggestion to do so.

Mayor Wordelmann said that he senses there is a good possibility that the Village of Lakewood and Mr. McFadden will be able to work together to move forward with his projects.

With no one else to be heard, Mayor Wordelmann closed the public hearing at 7:20 PM and reopened the regular meeting.

RECESS

Motion by Trustee Denn, seconded by Trustee Di Salvo, to recess the regular meeting at 7:23 PM so as to enter into executive session to discuss a labor contract agreement.

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

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Susan F. Drago, Trustee Gale A. Denn, Trustee David J. Di Salvo, Trustee John Jablonski, III and Village Attorney Edward P. "Tad" Wright. Motion by Trustee Denn, seconded by Trustee Di Salvo, to adjourn the executive session at 7:50 PM and to reopen the regular meeting.

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

RESOLUTION #63-2014-2015 - APPROVE POLICE LABOR CONTRACT AGREEMENT

Motion by Trustee Denn, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann to approve the labor contract agreement between the Village of Lakewood and the Lakewood-Busti Police Department Union, (CSEA Local 1000-AFSCME, AFL-CIO, Village of Lakewood Police Unit #6320, Chautauqua County Local #807), for a term of three (3) years, (June 1, 2014 thru May 31, 2017). The terms of the contract will be retroactive to June 1, 2014.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #64-2014-2015 - APPROVE NON-UNION EMPLOYEE SALARIES & WAGES

Motion by Trustee Denn, seconded by Trustee Jablonski, per the recommendation of Mayor David T. Wordelmann, to approve a 2% salary increase and \$.50/hour wage increase for full and part time non-union employees, retroactive to June 1, 2014.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

SEPTEMBER 8, 2014 (CONTINUED)

RESOLUTION #65-2014-2015 - APPROVE PART-TIME POLICE OFFICER WAGE INCREASE

Motion by Trustee Denn, seconded by Trustee Jablonski, per the recommendation of Mayor David T. Wordelmann, to approve a \$.50/hour wage increase for part time Lakewood-Busti Police Department Officers, retroactive to June 1, 2014.
Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

Motion by Trustee Denn, seconded by Trustee Drago, and unanimously carried, the Board adjourned at
7:54 PM.

Joseph M. Johnson
Village Clerk