

MARCH 9, 2015

The twenty-third regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, March 9, 2015 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, Department of Public Works Supervisor Thomas R. Pilling and Fire Chief Kurt W. Hallberg. Absent were Trustee Gale A. Denn, Village Attorney Edward. P. "Tad" Wright and Building Inspector Jeffrey A. Swanson.

APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Jablonski, to approve the minutes of the last regular meeting of the Board of Trustees, held February 23, 2015.

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 March 9, 2015 be approved and that the Clerk shall execute said abstracts (#12, #42 & #43) and direct payment by the Treasurer. Capital Fund: \$ 1,367.07, (Checks #11487 thru #11489), Trust & Agency Fund: \$ 55,466.96, (Checks #3282 thru #3293), General Fund:

\$ 63,763.79, (Checks #11490 thru #11526)

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

REPORTS

Department of Public Works Supervisor Thomas R. Pilling indicated as previously reported and with the knowledge that the Village of Lakewood recently adopted a Complete Streets Program, he took the liberty of getting a quote to install concrete sidewalk and curbing along the west side of Mall Blvd. from East Fairmount Ave. (Rt. 394), south to the Village/Town line. Mr. Pilling said the sidewalk and curbing project would cost approximately \$ 90,000.00. Mr. Pilling said some of the funding received through the Consolidated Local Street & Highway Improvement Program (CHIPS) could be used towards this project.

Police Chief John R. Bentley said he would first like to thank Department of Public Works Supervisor Pilling and his crew for coming to the rescue earlier today by pulling out a tractor trailer that got stuck on Shadyside Ave. Chief Bentley said he would like to submit to the Board of Trustees the Lakewood-Busti Police Department's annual report for 2014 and as requested by Trustee Di Salvo provided a vehicle change-out schedule beginning in 2009 and going forward. Chief Bentley then reported that the Lakewood-Busti Police Department has responded to two thousand one hundred ten reportable incidents year-to-date. In the past thirty days the department has handled two hundred fifty-two traffic stops, six DWI arrests, thirty-three car accidents, thirteen domestic disputes, assisted other agencies forty-four times and thirteen drug related arrests. Chief Bentley also reported that the Officer C. D. Casselman recently attended K-9 school held at Turning Stone Resort and

Officer J. B. Reed attended an advanced one day interview and interrogation seminar in Cleveland, Ohio.

Mayor Wordelmann wanted to make it clear that it was erroneously reported that the two individuals that were recently found to be overdosing on drugs in the parking lot of Wendy's Restaurant on East Fairmount Ave., were from Lakewood. The two individuals were not from Lakewood and believes it is irresponsible for the local news media not to get the facts right before going to press. Mayor Wordelmann said false reporting, as in this case, shines a bad light on an entire community.

MARCH 9, 2015 (CONTINUED)

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to one hundred fifty-five alarms year-to-date. Chief Hallberg indicated that during the past two weeks forty-four alarms have been answered, twenty-eight of which were emergency medical service calls. Chief Hallberg said March 3rd was extremely busy with the fire department volunteers responding to nine alarms. Chief Hallberg concluded his report by saying he hopes to submit the Lakewood Volunteer Fire Department's annual report for 2014 at the next meeting.

COMMITTEE REPORTS

Trustee Di Salvo indicated he understands the grant application for Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC) has been submitted and proceeded to ask the Village Clerk how many applications from Lakewood residents were submitted for this program. Village Clerk Johnson indicated there were approximately forty applications submitted however he didn't know how many of those qualified for assistance. At this point the Village of Lakewood is just waiting to hear if they've been awarded this grant.

Mayor Wordelmann indicated that Village Attorney Wright has drafted a License Agreement between the Village of Lakewood and the Chautauqua Lake Community Sailing Foundation regarding a desire by their organization to have lake access at Richard O. Hartley Park & Beach. Mayor Wordelmann distributed a copy of the License Agreement to each member of the Board of Trustees and asked them to review it and be prepared to comment on it at the next regular meeting in two weeks.

RESOLUTION #108-2014-2015 - AUTHORIZE BUDGET REALLOCATION

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, per the recommendation of Mayor Wordelmann, authorizing Village Treasurer Andrea J. Windoft to shift unspent money, \$ 1,000.00 from Account A-1325.40, [Treasurer Contractual] and \$ 1,000.00 from Account A-1410.20, [Clerk Equipment], into Account A-5110.46, [Streets Maintenance - Tree Service], in order to contract out and pay for a tree trimming project along Chautauqua Ave., per a proposal as submitted by Bruce E. Robinson, Inc., Forestry Consultants, Jamestown, New York. The cost of the project totals \$ 2,600.00. NOTE: The \$600.00 difference between the budget reallocation figure and overall project

cost will be paid from the 2015-2016 budget the first claim period in June 2015.

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

RESOLUTION #109-2014-2015 - REFER SITE PLAN REVIEW APPLICATION TO PLANNING BOARD

Motion by Trustee Drago, seconded by Trustee Jablonski, for the Board of Trustees to refer a Site Plan Review application as submitted by Bocar Family Holdings, Miami, Florida, in connection with plans to convert the existing commercial floor space at 167 West Fairmonut Ave. (17,346 sq. ft.) into a Save-A-Lot

Food Store, to the Planning Board for their review and recommendation.

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

RESOLUTION #109-2014-2015 - AUTHORIZE REIMBURSEMENT TO COMMUNITY FOUNDATION

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to reimburse the Chautauqua Region Community Foundation, Jamestown, New York, \$ 8,296.70, as it relates to the funding of specific components of the construction of the new baseball field off Linwood Ave., per the request of Grant Committee Member William Burk.

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

MARCH 9, 2015 (CONTINUED)

RECESS

Motion by Trustee Drago, seconded by Trustee Di Salvo, to recess the regular meeting of the Board of Trustees 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
SPECIAL USE PERMIT - HOME OCCUPATION
20 STONEMAN AVE.

Ms. Kimberly Vallone, 20 Stoneman Ave. has submitted an application for a Special Use Permit regarding her proposal to establish a home occupation (massage therapy service) at the above residence. In accordance with Section #25-10, [Single Family Residential (R-1) District] and Section #25-37, [Home Occupations], the establishment of a home occupation in an R-1, residential district 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. Mayor Wordelmann then asked Ms. Vallone to briefly explain her proposal.

Ms. Vallone wished to give those in attendance a little personal background before she explains the massage therapy service she is proposing. Ms. Vallone said she has been involved with nursing and massage therapy for about nine

years having graduated from S.U.N.Y. at Brockport and Onnadaga College in 2006. She moved to the Lakewood area in 2010, got married in 2012 after which she and her husband purchased their house on Stoneman Ave. in 2013. Ms. Vallone said she is currently working as a substitute school nurse for the Jamestown and Southwestern Central school districts. Her career goal is to become a full time elementary school nurse while her immediate goal is to offer massage therapy service on a part-time basis from her home. Ms. Vallone said she would likely see five to ten clients per week, possibly a few more when she isn't substituting. Ms. Vallone also indicated that she is also currently working at Serenity Spa at the Peak n' Peek resort and the Chocolat Spa in Jamestown. Because she and her husband chose to do foster care, she would like to be able to spend more time at home. Ms. Vallone said she would like to provide a home like setting in which to offer massage therapy service as a primary care giver.

Ms. Vallone said there shouldn't be any parking problems in that they have a double driveway and she would normally be seeing only one person at a time.

Mr. Tom Calzone, 3 East Third Street, as a local youth pastor and thirty year village resident said he would like to speak in favor of Ms. Vallone and her proposal. Mr. Calzone said Ms. Vallone's heart is to help other people and by granting this special use permit application she would be able to help her clients as well as be the mother she wants to be for her foster child.

Mr. Richard Johnson, 18 Stoneman Ave., said he agrees with Mr. Calzone, adding they are wonderful neighbors and that Ms. Vallone's proposal shouldn't have any impact on the neighborhood.

Ms. Pam Shilling, 3707 Cowing Road, indicated she has been a friend of Ms. Vallone's for about ten years and that she has worked close with the local Hospice office to provide a home care program for cancer patients. Ms. Shilling indicated that it is more than a business for Ms. Vallone, it is an opportunity for her to reach out and help people.

Trustee Jablonski asked Ms. Vallone what hours would she be seeing clients.

Ms. Vallone said she expects to see clients anytime between 8:00 AM - 8:00 PM.

MARCH 9, 2015 (CONTINUED)

Trustee Di Salvo asked Ms. Vallone if she knows of anyone who might be opposed to her home occupation as proposed.

Ms. Vallone said she received a letter from the Village of Lakewood making her aware of a possible deed restriction for those owning property in the Stoneman Park allotment that could impact Board of Trustees' decision, however she couldn't find any such restriction in her property deed.

Mayor Wordelmann indicated that the Board of Trustees has no say one way or another with respect to enforcing any deed restrictions. Any action to enforce any deed restriction would have to be brought by another property owner in that particular allotment. Mayor Wordelmann indicated to Ms. Vallone the letter from the Village of Lakewood was sent to inform and caution her regarding the deed restriction. Mayor Wordelmann said according to Village Attorney Wright in some cases specific deed restrictions listed on early property deeds sometimes are not listed on subsequent deeds.

With no one else to be heard Mayor Wordelmann closed the public hearing at

6:58 PM and proceeded to reopen the regular meeting of the Board of Trustees.

RESOLUTION #110-2014-2015 - APPROVE SPECIAL USE PERMIT APPLICATION

Motion by Trustee Jablonski, seconded by Trustee Drago, for the Board of Trustees to grant/approve the Special Use Permit application as submitted by Ms. Kimberly Vallone, 20 Stoneman Ave., whereby she will be allowed to provide massage therapy service in her home, Monday thru Friday from 8:00 AM - 8:00 PM and Saturday, 8:00 AM - 5:00 PM, in accordance with Section #25-37, [Home Occupation], of the Village of Lakewood Zoning Law.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #111-2014-2015-REFER SPECIAL USE PERMIT APPLICATION TO PLANNING BOARD

Motion by Trustee Drago, seconded by Trustee Di Salvo, for the Board of Trustees to refer a Special Use Permit application as submitted by Mr. Jeremy Hirliman, Jamestown, New York, regarding his proposal to establish a seasonal Drive-In Establishment/Restaurant at 274 East Fairmount Ave., to the Planning Board for their review and recommendation.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

REQUEST FOR QUOTES DISCUSSION

Trustee Di Salvo indicated there has been some informal discussion in the past about getting bids for the janitorial services performed at the Anthony C. Caprino Municipal Building and the Lakewood Fire Station and he would like for the Board of Trustees taking action this evening to do so. Trustee Di Salvo indicated that he and Trustee Jablonski met with Village Clerk Johnson a few weeks back and revised the specifications for the janitor services and adjusted the number of times per week the offices are cleaned from three to two.

Trustee Drago asked Trustee Di Salvo how was it determined that cleaning the offices two times per week rather than three times per week would be sufficient.

Trustee Di Salvo indicated after some discussion and in the interest saving some money it was decided to try cleaning the offices two times per week rather than three times. Trustee Di Salvo reminded everyone because town court has moved to the Town of Busti office, it won't be necessary to clean the former court room upstairs.

MARCH 9, 2015 (CONTINUED)

Trustee Di Salvo indicated if there is justification to clean the fire station three times instead of two then so be it.

Village Clerk Johnson indicated it was also decided that the contractor could be called in when it is deemed necessary to do additional cleaning for one reason or another.

RESOLUTION #112-2014-2015 - AUTHORIZE REQUEST FOR OFFICE CLEANING QUOTES

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, authorizing the Village Clerk to request quotes to clean the offices and common areas in the Anthony C. Caprino Municipal Building, 20 West Summit Street and the Lakewood Fire Station, 37 J.W. Packard Blvd. Quotes are to be submitted prior to the Board of Trustees meeting scheduled for Monday, April 13, 2015.

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

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

Joseph M. Johnson
Village Clerk