

JANUARY 26, 2015

The twentieth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 26, 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, 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. Absent were Trustee Gale A. Denn and Village Treasurer Andrea J. Windoft.

#### APPROVAL OF MINUTES

Motion by Trustee Jablonski, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held January 12, 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 January 26, 2015 be approved and that the Clerk shall execute said abstracts (#9, #36 & #37) and direct payment by the Treasurer. Capital Fund: \$ 490.71, (Checks #11382 & #11383), Trust & Agency Fund: \$ 53,604.61, (Checks #3242 thru #3255), General Fund: \$ 74,933.92, (Checks #11384 thru #11420)

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

#### REPORTS

Ms. Lisa Schmidfrerick-Miller, Healthy Communities Consultant with the Chautauqua County Department of Health, appeared before Mayor Wordelmann and the Board of Trustees to review with them the results of the Active Community Enhancements (ACE) survey which ranked five potential bike paths and/or pedestrian walkways in the Village of Lakewood. Ms. Schmidfrerick-Miller indicated the Village of Lakewood was one of three Chautauqua County communities that were fortunate to receive the (ACE) mini-grant. Ms. Schmidfrerick-Miller indicated that she worked with the local committee headed by Trustee Di Salvo and Department of Public Works Supervisor Thomas R. Pilling. The committee found for the most part, after evaluating pedestrian and traffic safety issues, things were pretty good. The committee did note a few shortcomings however and identified a few potential projects for possible funding. The committee then looked at a few projects, some of which, had some momentum already. The five projects selected for the survey included a sidewalk on E. Fairmount Ave., from Mall Blvd. to Chautauqua Ave., a sidewalk/bike path on E. Summit St., from Veteran's Memorial Park to Shadyside Ave., a side walk on W. Fairmount Ave., from Chautauqua Ave. to the Big Tree Road, a sidewalk on W. Summit St. from Vista Way to Brook St. and to add a pedestrian bridge and bike path over the railroad tracks at Winchester Road. The next step was to conduct a community survey. The survey, which was completed by one hundred forty-seven area residents, asked participants to rank the five projects, and included questions such as age, how often do you walk/bike in the Village, are you in favor of improving conditions for

walkers, bikers, and drivers, and what other comments about walking, biking or traffic safety would you like to share. The number of surveys submitted represented about 5% of the population which was a good short turn around response. Ms. Schmidtfrerick-Miller indicated the results of the survey ranked the projects as follows, beginning with the highest priority, sidewalk/path on E. Summit St., sidewalk on W. Summit St., pedestrian bridge over the railroad tracks at Winchester Road, sidewalk on E. Fairmount Ave. and sidewalk on W. Fairmount Ave. The survey also pointed to a need for sidewalks on Terrace Ave. and the continued push for the Busti rail to trail project. Ms. Schmidtfrerick-Miller encouraged everyone to look at the report. Forty-two percent of the survey respondents indicated they walk or bike daily, which was impressive. Ninety-four percent encouraged the Village of Lakewood to continue to improve conditions for safe walking, biking and driving.

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The key recommendations of the committee asked that the Village of Lakewood continue to seek opportunities for funding of projects such as the five noted in the survey, start budgeting for infrastructure improvements to qualify for state and federal funding, because Terrace Ave. is a "local road" some minor improvements could be undertaken by the local highway department, and maintain regular communications with the Chautauqua County Department of Public Facilities (Summit Street/Co. Hgwy. #110) and the New York State Dept. of Transportation (Fairmount Ave./Rt. 394) because you never know when inter-community projects will surface. Ms. Schmidtfrerick-Miller indicated two plans which have been completed that promote walkability and recreation are the Chautauqua 20/20 Plan and the Greenway Plan.

Because the Village of Lakewood recently adopted a resolution approving a Complete Streets Program, anytime a road project is being proposed Lakewood will be taking into consideration all who will be utilizing the roadway and how to better accommodate pedestrians, bikers and drivers. New York State also adopted a Complete Streets Program of their own and are therefore obligated to take into consideration all who utilize the road when planning a project.

Trustee Di Salvo thanked the residents who served on the committee and of course Ms. Schmidtfrerick-Miller for her input and dedication. Trustee Di Salvo said it was a nice project and there is some real value in the survey as a planning document and hopefully it will fit in with the Village of Lakewood's comprehensive plan.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department responded to six hundred sixty-one reportable incidents year-to-date which includes one hundred fifty-nine traffic stops and thirty-six assists to other agencies in the past two weeks.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to fifty-five alarms year-to-date. Chief Hallberg also reported that the Lakewood Volunteer Fire Department has entered into an agreement with the Busti Fire Department with respect to Emergency Medical Service (EMS) calls that occur weekdays from 6:00 AM - 4:00 PM. Because both departments experience low manpower during this time period, when it is an EMS call both departments are dispatched. Chief Hallberg said it has worked out very well so far.

Mayor Wordelmann indicated to Chief Hallberg that he and Village Attorney

Wright had a couple concerns regarding the purchase contract for the Class A pumper truck between the Village of Lakewood and Crimson Fire, Inc. dba Spartan ERV, Brandon, South Dakota. He added Village Attorney Wright will be drafting an addendum to the purchase contract to be reviewed by Spartan EVR's legal counsel.

Although Building Inspector Jeffrey A. Swanson had no report, Mayor Wordelmann asked him if everything was in compliance at the new Five Guys Burgers & Fries restaurant at the Chautauqua Mall.

Mr. Swanson reported that there are a few things that need to be addressed but anticipates complete compliance within a day or so.

Trustee Di Salvo asked Mr. Swanson if he had issued a certificate of occupancy to Five Guys Burgers & Fries and gave them some extra time to take care of a few minor issues.

Mr. Swanson said there were a few shortcomings with the outdoor court area and that he gave them extra time to fix them. If they were not fixed in a timely manner the certificate of occupancy would be revoked. Needless to say everything was in compliance as of last Friday.

Jackson Smith, 15 Sunset Ave., asked Mr. Swanson for his take on the situation when a resident is asked about the unfinished exterior of his house, the response is I don't want my assessment to go up, so I don't care what my house looks like from the outside.

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Building Inspector Swanson indicated to Mr. Smith in that case the home owner's position is not an option. This particular situation would be enforced under local and New York State property maintenance codes. Mr. Swanson indicated there are a number of property maintenance concerns that need addressing. He added property maintenance enforcement is an ongoing effort which takes time.

Mr. Smith asked Mr. Swanson if it is only upon a complaint does he go forward and issue a citation.

Building Inspector Swanson said when he receives a property maintenance complaint he first reaches out to the property owner and tries to work with them to correct the problem. Over time property owners are going to realize the Village of Lakewood is going to take property maintenance issues seriously.

Mayor Wordelmann indicated that the Village of Lakewood and the Town of Busti is going to share a software package offered through Williamson Law Book Company, Victor, N.Y., which will allow Mr. Swanson to go through the various building and property maintenance code enforcement procedures while keeping a detailed record of the process. To Building Inspector Swanson's credit, Mayor Wordelmann indicated that he has addressed several outstanding issues. Mayor Wordelmann said the enforcement of building and property maintenance codes also needs the support of the local judicial system.

Village Attorney Wright indicated once Mr. Swanson begins an inspection process things will move forward in a positive manner.

Mr. Smith said he appreciates Mr. Swanson's efforts thus far and it is encouraging to know there is a system in place to address property maintenance issues.

#### COMMITTEE REPORTS

Mr. Richard Rose, Chairman of the Village of Lakewood Tree Committee appeared before Mayor Wordelmann and the Board of Trustees to update them on their activities in 2013 & 2014 and provide a forecast of projects for 2015. Mr. Rose said he had submitted a report to the Village Clerk for distribution to the Board of Trustees and the press. Mr. Rose then introduced tree committee members in attendance, Ms. Valerie Dow, Ms. Tammy Bakewell and newest member Mr. Tom Simmons, to the Board of Trustees, so as to put a face to a name.

Back in 1999 Bruce E. Robinson, Inc., Forestry Consultants, Jamestown, N.Y., at the request of the Tree Committee prepared a comprehensive Urban Tree Management Plan detailing the location, species, size and condition of all the trees located within the public rights-of-way. In their budget request for 2015-2016, Mr. Rose said he would like for the Village of Lakewood to appropriate monies to have Mr. Robinson to update his original plan.

With \$ 1,000.00 from the Village of Lakewood and \$1,000.00 from the Chautauqua Region Community Foundation, through a grant written by Ms. Tammy Bakewell, in the fall of 2013 eleven trees were planted in Veteran's Memorial Park along East Summit Street.

Mr. Rose said 2014 proved to be very busy for the Tree Committee with the planting of four trees at the Community Park/Boat Launch, ten trees along the east and west side of Fairdale Ave., near E. Terrace Ave., twelve trees at LaGrega Field/Park and two additional trees in Veterans' Memorial Park. Ms. Tammy Bakewell, who wrote a grant for \$ 1,000.00 from the Chautauqua Region Community Foundation, towards the purchase of the trees along Fairdale Ave. also donated a tree to replace a tree in Richard O. Hartley Park that had died. Mr. Rose also said a tree purchased by the Lakewood Community Development Corporation was planted in Recognition Park in memory of Carol Evans, former L.C.D.C. treasurer.

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Mr. Rose also indicated that the Tree Committee was asked for input regarding the illegal tree removal in front of Valu Home Center and the proposed landscaping plan for the new All Makes Express Lube & Car Wash on East Fairmount Ave.

Mr. Rose said projects being proposed for 2015 include two additional trees at the Community Park/Boat Launch, one additional tree along Fairdale Ave. and an additional twelve trees for LaGrega Field/Park at a cost of approximately \$ 3,000.00. Mr. Rose said he would also like for the Village of Lakewood to consider updating its Tree Management Plan that would include field work, data collection and the establishment of an electronic data base at a cost of approximately \$ 7,000.00.

Another matter that was brought to the attention of the Tree Committee are the trees along Chautauqua Ave., some of which block the storefronts and

signage of the businesses. It is the Tree Committee's recommendation that the bottom branches of the trees be trimmed-up. Mr. Rose said he has asked for a price quote from Mr. Robinson to do the work, which would include time to train members of the D.P.W. crew on how to go about trimming the trees in the future.

Mr. Rose indicated to Mayor Wordelmann and the Board of Trustees that money for new tree plantings should be appropriated as a line item and included in the Street Department budget under Tree Service.

Mr. Rose said he and members of the Tree Committee were disappointed that some important sections in the final version of the Tree Ordinance that was drafted and submitted to the zoning law review committee were not included in the revised zoning code. He encouraged Mayor Wordelmann and the Board of Trustees to consider accepting the entire Tree Ordinance as submitted.

Another proposal by the Tree Committee is to initiate the process of having the Arbor Day Foundation to designate the Village of Lakewood as a "Tree City". As a "Tree City" acquiring funding for tree related projects would be greatly enhanced. One of the criteria for this designation would be to have a community forestry program with an annual budget of \$ 2.00 per capita.

Mr. Rose said two other projects the Tree Committee has been asked for input are walkway options from the public dock at Richard O. Hartley Park to the street and to design a nature trail at Naetzker Park off East Fairmount Ave. Mr. Rose provided conceptual drawings of each to Mayor Wordelmann and the Board of Trustees for their review and comment.

Another project at Richard O. Hartley Park that Mr. Rose would like to comment on is the crumbling concrete storm water culvert located along the park's easterly boundary. A simple solution would be to remove the old concrete and replace it with underground piping, with the possibility of adding a rain garden at its north end as a demonstration project.

Mayor Wordelmann thanked Mr. Rose and members of the Tree Committee for their community service and what they were able to accomplish over the past two years.

Mayor Wordelmann indicated that the Naetzker family donated the property at the corner of Fairwood Dr. and East Fairmount Ave. to the Village of Lakewood back in the late '80's. Mayor Wordelmann said he contacted a local Boy Scout Troop a few years ago about establishing a trail within the Naetzker Park property. They were enthused at first about the project but their interest apparently waned. Mayor Wordelmann said he is excited about what Mr. Rose has drafted with respect to the proposed nature trail.

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ANYONE TO BE HEARD

Mr. David Bargar, 11 Sunset Ave., appeared before Mayor Wordelmann and the Board of Trustees to let them know that the Citizens Committee for Better

Government (CCBG) is going to start meeting again. Mr. Bargar said it is encouraging to see residents involved with different projects. With that said, the CCGB group wants to be proactive and to keep the conversation going. The plan is to meet at 7:00 PM, Tuesday, February 3<sup>rd</sup> in the new Town of Busti Court Room. Mr. Bargar encouraged everyone to attend so the momentum can continue. The Village and Town have some wonderful assets that can be expanded on and there are issues needing solutions that must be discussed.

Chautauqua County Legislator P.J. Wendel indicated to Mayor Wordelmann and the Board of Trustees there are a couple of issues coming before the County Legislature. One being the lease or sale of county run airports and the other are concerns regarding the Chautauqua County jail in Mayville. Mr. Wendel said the jail was expanded not that long ago and it is running at full capacity. It is costing Chautauqua County \$ 80.00/day to house an inmate. In previous years when there was room, Chautauqua County would receive revenue at premium per diem rates to house state and federal inmates. That is no longer the case.

#### OPEN DISCUSSION - RICHARD O. HARTLEY PARK/BEACH

Mayor Wordelmann indicated that at the last regular meeting of the Board of Trustees, he initiated discussion on the future of Richard O. Hartley Park & Beach and whether or not the park and beach area could be better utilized. Mayor Wordelmann cited a decline in the number of people making use of the public bathing beach and the water quality concerns in recent years. He noted that the Village of Bemus Point has decided not to operate their public bathing beach in 2015. It is time for the community to have this discussion. Mayor Wordelmann said it is his opinion that the waterfront at the Richard O. Hartley Park is underutilized. A proposal by the Chautauqua Lake Community Sailing Foundation, as presented by Mr. Jackson Smith, to make use of the park as their lake access point should be given some consideration as a possible alternative.

Mr. Kirk Kelly, 116 West Terrace Ave., indicated since the Chautauqua Lake Yacht Club built their new in ground swimming pool in 2001, the CLYC has more or less abandoned the lake from a swimming program standpoint. Mr. Kelly said the sailing program as described by Mr. Smith might better utilize the lake when compared with swimming.

Mr. P.J. Wendel, 22 Hern Ave., indicated as a former lifeguard at the Lakewood Beach back in the 90's, the beach was active and very busy. For various reasons activity at the beach has declined considerably in recent years and he would welcome any program that better utilizes the waterfront.

Ms. Cara Birrittieri, 15 Sunset Ave., said kids who enjoy swimming in the lake will continue to do so when the water quality is acceptable. Although the number of people making use of the beach has declined in recent years, access to the lake, whether to swim in it or sail on it, should be maintained or improved.

Mayor Wordelmann took a minute and read the declining revenue figures that the beach generated over the past ten years.

Mr. Bargar indicated participation in the Town of Busti Recreation programs has also been declining in recent years, which has come up against other recreation programs such as the ones run through the Lakewood Family YMCA. A Town of Busti Recreation Committee, chaired by Ms. Cheryl Johnson, was formed

and they are now developing an advisory board to Recreation Director Diana Peterson. When the new community center opens at 125 Chautauqua Ave., it will resort back to the former style of management, with a citizen involved board that will advise the recreation director.

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Mr. Bargar asked for the Board of Trustees to consider blending the different ideas mentioned this evening and to find the right use for the monies presently appropriated for lifeguard salaries. It doesn't necessarily mean an end to swimming, rather repurposing the park to get the maximum use out of the waterfront.

Mayor Wordelmann respectfully asked members of the Parks & Recreation Committee, which is comprised of Trustee Jablonski and Trustee Di Salvo, to form a citizen committee to look into ways to best utilize the Richard O. Hartley Park & Beach in an economically sound manner.

Trustee Jablonski indicated that on more than one occasion he has noticed individuals swimming when the beach is officially closed which isn't a safe situation.

One more comment that Mr. Rose wanted to make was although he and the Tree Committee enjoy working for the community, there are some things that they have been called upon to carry out that should be directed to a long range planning commission.

Trustee Di Salvo indicated to Mr. Rose that a comprehensive plan steering committee was formed in the fall and is currently in the process of reviewing requests for proposals with respect to a comprehensive plan for the Village of Lakewood. The committee's chairman is Mr. Ted McCague. Other members of the committee include himself, Village Clerk Johnson, Kaie Smith and Craig Seger. Trustee Di Salvo said this evening's discussion on the park is something that will definitely be talked about during the comprehensive planning process. The timing couldn't be better. Trustee Di Salvo said the steering committee will not only put the request for proposals together, but they will review the proposals and be engaged with the comprehensive plan process as it unfolds and is implemented. Trustee Di Salvo added it will be a dynamic process, not static.

RESOLUTION #96-2014-2015 - APPOINT PART TIME POLICE OFFICERS

Motion by Trustee Drago, seconded by Trustee Jablonski, per the recommendation of Police Chief John R. Bentley, to appoint of Mr. Aaron M. Town, Jamestown, N.Y., and Mr. Erik J. Karlstrom, Westfield, N.Y., as part-time Police Officers for the Lakewood-Busti Police Department with an effective date of hire of February 4, 2015. Both officers will be compensated at a rate of \$ 16.49/hr.

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

RESOLUTION #97-2014-2015 - APPROVE REVISED FEE SCHEDULE FOR FIRE INSPECTIONS

Motion by Trustee Drago, seconded by Trustee Jablonski, for the Village of Lakewood to approve the following fee schedule for Fire/Safety Inspections conducted in the Village of Lakewood as required by New York State.

Residential Housing:	Up to 15 Units:	\$	
50.00			
			Return
Visit for Violations:	\$ 25.00		
	16 or more Units:		
\$ 100.00			
			Return Visit for
Violations:	\$ 50.00		
	Commercial/Industrial: Up to 15,000 sq. ft.:		
\$ 50.00			
			Return Visit
for Violations:	\$ 25.00		
			Over 15,000
sq. ft.:	\$ 100.00		
			Return Visit
for Violations:	\$ 50.00		
Adopted: 3 ayes, no nays ((Di Salvo, Drago, Jablonski)			

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RESOLUTION #98-2014-2015 - AUTHORIZE REQUEST FOR BIDS

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Police Chief John R. Bentley to request sealed bids for two 2015 marked police patrol cars. Bids will be received at the Office of the Village Clerk at or before 3:00 PM, (local time), Friday, February 13, 2015, at which time and place they will be publically opened and read aloud.  
 Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, and unanimously carried the Board adjourned at 7:57 PM.

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Joseph M. Johnson  
 Village Clerk