

JANUARY 12, 2015

The nineteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 12, 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, Village Attorney Edward P. 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.

#### 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 December 22, 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 30, 2014 and January 12, 2015 be approved and that the Clerk shall execute said abstracts (#8, #32, #33, #34 & #35) and direct payment by the Treasurer. Capital Fund: \$ 7,095.99, (Checks #11333 thru #11339), Trust & Agency Fund: \$ 51,575.60, (Checks #3216 thru #3229) & \$ 54,145.06, (Checks #3230 thru 3241), General Fund: \$ 18,902.52, (Checks #11329 thru #11332) & \$ 33548.41, (Checks #11340 thru #11381) Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the mezzanine portion of the new D.P.W. storage building is expected to be delivered and constructed later this month. Mr. Pilling also reported that the light fixtures in the D.P.W. garage have been upgraded, two man doors in the D.P.W. garage have been replaced and that he and the crew have been keeping-up with the snow plowing.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department responded to twelve thousand two hundred thirty-two reportable incidents in 2014, which represented one thousand five hundred four more incidents than 2013. So far in 2015 the Lakewood-Busti Police Department has responded to two hundred sixty-three reportable incidents. Chief Bentley indicated things were steady over the holidays and that he recently received a \$ 1,000.00 donation to be used towards the K-9 Unit.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department responded to seven hundred ninety-eight alarms in 2014. So far in 2015 the Lakewood Volunteer Fire Department has responded to twenty-six alarms, three of which were mutual aid responses for structure fires in the Busti Fire Department's district.

Building Inspector Jeffrey A. Swanson previously submitted the Building Department's annual report for 2014, which was distributed to Mayor

Wordelmann and members of the Board of Trustees. The report noted the following: Building Permits Issued: 46, Building Permit Fees Collected: \$ 9,143.76, Zoning Permits Issued: 33, Zoning Permit Fees Collected: \$ 2,540.00, Fire Inspections Conducted: 20, Notices of Violations Issued: 7

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#### COMMITTEE REPORTS

Trustee Di Salvo asked Mayor Wordelmann if Ms. Lisa Schmidtfrerick-Miller, Healthy Communities Consultant, with the Chautauqua County Department of Health could be included on the agenda for the next regular meeting of the Board of Trustees to recap the results of the Lakewood Active Community Enhancements (ACE) Committee survey on area bike path and pedestrian walkway needs. Trustee Di Salvo also reported that the Comprehensive Plan Steering Committee has received two proposals, one from Peter J. Smith & Company, Inc., Buffalo, N.Y. and the other from Pashek Associates, Pittsburgh, PA.

Mr. Ted McCauge, Chairman of the Comprehensive Plan Steering Committee indicated to Mayor Wordelmann and the Board of Trustees that he and members of the committee are currently in the process of reviewing each proposal and checking references. Mr. McCauge said he expects to draft a recommendation for one of the proposals and submit it to the Board of Trustees early in February so the Board of Trustees may make their decision by February 27<sup>th</sup>.

Mayor Wordelmann said he is in the process of reviewing each proposal and wondered if how the Village of Lakewood would be paying for the comprehensive plan proposal has been discussed yet.

Trustee Di Salvo said when setting-up the interviews he spoke with each consultant and mentioned they may have to have some flexibility with respect to payment. Both consultants indicated they are open to the idea of being paid over two fiscal years but would likely submit invoices for payment on a monthly basis. Questions concerning this particular matter can be discussed during the interviews.

Mr. McCague said when it comes to negotiating a contract that concern will be ironed out.

#### REVIEW OF THE CLASS A PUMPER BIDS

Trustee Jablonski initiated discussion on the Class A Pumper Bids by asking if the Fire Department would be willing to incur a portion of the cost of the fire truck or depending on their financial situation would they consider loaning the Village of Lakewood the money at a better interest rate than that of a financial institution.

Mr. Steve Smouse, First Assistant Fire Chief and Chairman of the Fire Truck Committee indicated that the Fire Company has a truck fund account that is short of where it should be right now, so the idea about financing the new

Class A Pumper is not an option. He said the fire company's next scheduled truck purchase will be a new ladder truck which is expected to cost over a million dollars.

Trustee Di Salvo asked Mr. Smouse how much does the fire company have in their truck fund account.

Fire Company President Jackson Knowlton indicated the current balance is about \$ 547,000.00.

Trustee Jablonski asked Mr. Knowlton who is the Fire Company's Treasurer.

Mr. Knowlton indicated Mr. Dave Allen is the Treasurer, however his son Tom is acting Treasurer while Dave is south for the winter.

Trustee Jablonski asked if Mr. Allen could provide copies of bank statements for their accounts.

Mr. Knowlton said he recalls providing the Board of Trustees with a copy of a 9-90 Form.

Trustee Di Salvo said the last one he recalls seeing was a couple years ago.

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Fire Company President Jackson Knowlton proceeded to provide Mayor Wordelmann and the Board of Trustees a brief history of fire vehicle purchases over the years. Mr. Knowlton indicated the fire department has purchased thirty-five fire vehicles, 12 engines, 10 of which were paid for by the fire company, 4 heavy rescue vehicles, 3.5 of which were paid for by the fire company, 2 ladder trucks, both paid for by the fire company, 5 ambulances, 4 of which were paid for by the fire company, 1 station truck paid for by the fire company, 1 medical/ems truck paid for by the fire company and 10 chief vehicles paid for by the fire company. Mr. Knowlton went on to say that the amount of money the Village of Lakewood has invested in the purchase of fire vehicles totals \$ 1,435,400.00 versus \$ 2,415,000.00 expended by the Fire Company on fire vehicles over the past fifty years. It was Mr. Knowlton's opinion that the Fire Company has managed its finances over the years in a very economic and efficient manner. Mr. Knowlton said the Fire Company has taken great pride in the development of a state of the art fire training center on its property off East Summit Street, which includes a six story training tower and a two story "burn building". Mr. Knowlton said the amount of money invested by the Fire Company in the training facility over the past sixty years totals \$ 464,000.00.

Mayor Wordelmann said he would be remiss if he didn't make the comment that most of the money the fire company invests comes from the taxpayers either through taxes or donations.

Mr. Knowlton reiterated the fire company has managed its money very well and has returned it to the residents of the fire district in providing them life safety.

Mayor Wordelmann asked if there are any more comments or discussion regarding the bids the Village of Lakewood received for a Class A Pumper.

Trustee Di Salvo wished to defer to Village Attorney Wright relative to his

comfort level with the arguments to accept a bid other than the lowest bid. He asked Village Attorney Wright if the Board of Trustees has done everything within its power and due diligence if this matter ends up in court.

Village Attorney Wright said there are a couple of things the Board of Trustees need to be cognizant of regarding the bids. The significant material differences that make up the pumper bids must be clearly identified. Also, because some of the comments made during the work session were not part of the record, regardless which way the Board of Trustees decides, the record should be well documented.

Trustee Di Salvo said although there was some great discussion on the truck bid during the work session, he must defer to those with the expertise and that would be those who served on the fire truck committee. At the last meeting of the Board of Trustees the fire truck committee was asked to list the reasons as to why they are recommending a bid other than the lowest bid.

Fire Truck Committee Chairman Steve Smouse said although the matter could go either way, one bidder met the bid specifications 100% while the other bidders did not. Mr. Smouse then referred to a bid summary compiled by the fire truck committee which identifies any shortcomings in the various bids. Bidder #1 - \$ 687,574.00, Four Guys, Inc., Meyersdale, PA, high bid, fifteen exceptions noted in the specifications, Bidder #2 - \$ 618,813.00, Empire Emergency Apparatus/Rosenbauer, Niagara Falls, N.Y., did not include \$ 29,000.00 in specified equipment, incomplete bid documents, sixteen exceptions noted in the specifications, Bidder #3 - \$ 608,932.00, Lynn Kolaja Equipment Sales/Smeal - US Tanker, Union City, PA, page #100 of the bid specifications required two removable and one fixed hose bed dividers, bidder included only two removable hose bed dividers, page #109 of the bid specifications required Class III winch receivers in the front, rear and each side of the vehicle, bidder included only front and rear receivers, page #126 of the bid specifications required AC adapters for the Hurst Tool, bidder did not include the adapters.

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Other concerns of the Fire Truck Committee regarding this bidder listed in the bid summary include the following: Smeal/US Tanker does not have a similar pumper in service or demonstrator vehicle for the truck committee members to inspect for construction quality within a reasonable distance, at a post bid meeting the bidder stated that they did not have an equipped service vehicle to provide warranty service at Lakewood's Fire Station and the vehicle body and component assembly will take place in two separate facilities which are one hundred miles apart. Bidder #4 - \$ 648,902.00, Colden Enterprises Fire & Rescue/Spartan ERV, no exceptions in the bid specifications were noted.

Mr. Smouse said taking all the bid information into consideration it is the recommendation of the Fire Truck Committee for the Board of Trustees, acting as the Board of Fire Commissioners to accept the bid submitted by Colden Enterprises Fire & Rescue/Spartan ERV in the amount of \$ 648,902.00.

Trustee Di Salvo found it troubling that Smeal/US Tanker failed to submit the

information as requested and it may be an indication of what the fire department might expect in the future from them.

Village Attorney Wright indicated the fire truck committee no doubt spent a lot of time and energy in reviewing the bids, especially the one received from Smeal/US Tanker, because of their incomplete bid check list.

Trustee Drago indicated that the few exceptions as noted by the fire truck committee with the Smeal/US Tanker bid would ultimately cost the Village of Lakewood more money.

Mayor Wordelmann said the record should show that the fire truck committee has concerns about vehicle service following the purchase and the inconsistencies in follow-up discussions about having a service vehicle.

From what he has heard from members of the fire truck committee, Mayor Wordelmann said the dealer for the Spartan ERV does indeed have a service vehicle and an inventory of replacement parts on hand. Mayor Wordelmann said because the bid documents for three of the four bidders were incomplete and/or there were exceptions found in the specifications gives the Village of Lakewood pause and concern whether they would follow through in the end.

Trustee Di Salvo then asked members of the fire truck committee what was the single most compelling reason not to accept the lowest bid.

Fire truck committee Chairman Smouse indicated his most important reason not to accept the lowest bid was their inability to fully complete the truck specification check list.

With no one else to be heard, Mayor Wordelmann said based on the bid summary as prepared by the fire truck committee and comments made by members of said committee, it would be his recommendation to accept the bid as submitted by Colden Enterprises Fire & Rescue, Kenmore, New York, for the Spartan ERV pumper.

RESOLUTION #94-2014-2015 - ACCEPT BID FOR A CLASS A 1500 GPM PUMPER

Motion by Trustee Drago, seconded by Trustee Jablonski, per the recommendation of Mayor Wordelmann, for the Board of Trustees acting as the Board of Fire Commissioners to accept the bid as submitted by Colden Enterprises Fire & Rescue, Kenmore, New York, for a Spartan ERV

Class A 1500 GPM Pumper at the bid price of \$ 648,902.00. Mayor Wordelmann thanked Fire Chief Hallberg and the entire Fire Truck Committee for all the work that went into drawing-up the specifications for the truck and for the thorough review of the bids.

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

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RESOLUTION #95-2014-2015 - AUTHORIZE FUND TRANSFER

Motion by Trustee Drago, seconded by Trustee Di Salvo, to authorize Village Treasurer Andrea J. Windoft to transfer \$ 975.00 from Account T1093.37 to Account A-3120.47 [Police K-9 Dog Unit], to pay expenses incurred by the Lakewood-Busti Police Department's K-9 Unit.

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

Trustee Jablonski asked Mayor Wordelmann for a future agenda to include a request for bids regarding the cleaning services for the Anthony C. Caprino Municipal Building and the Lakewood Fire Station.

Mayor Wordelmann suggested that members of the Building Committee prepare a set of specifications for cleaning services performed at the Anthony C. Caprino Municipal Building and the Lakewood Fire Station.

#### MAYOR'S REPORT

Mayor Wordelmann wished to mention a thought he has had, and it is just that, a thought. Mayor Wordelmann said he has been thinking about the public bathing beach at Richard O. Hartley Park and what might its future be. The question that arises is, does the Village of Lakewood wish to continue to operate a public bathing beach. Mayor Wordelmann posed a couple hypothetical questions. Could the beach house and lake access be utilized for something other than a public bathing beach? Could the facility be leased and possibly converted it into a restaurant as a draw for boaters and visitors to our beautiful lakeside community? Mayor Wordelmann said as annual beach reports have indicated, the number of people that make use of the bathing beach has dwindled over the years. The blue green algae problems this past summer caused the beach to be closed around twenty-five days. Mayor Wordelmann said the Village of Lakewood appropriates nearly \$ 12,000.00 annually for lifeguard salaries. Mayor Wordelmann reiterated it is just a thought, but the time may be near when serious discussion on the matter needs to take place.

Mrs. Tillie Solomonson, 2 Waldemere Way, said any discussion on the beach should also include the public dock and how to make boaters and residents alike aware that it is there.

Mayor Wordelmann indicated that the Lakewood Community Development Committee is looking into improving the access points to the Village of Lakewood, one being the public dock at Richard O. Hartley Park. Mayor Wordelmann said unfortunately the new public dock hasn't been properly promoted.

Mrs. Solomonson said the public dock at Richard O. Hartley Park, which she refers to it as "the dock to nowhere", is the only one of its kind located in the south basin of Chautauqua Lake.

Mr. Craig Seger, 31 Winchester Road, said he backs up Mayor Wordelmann's observations regarding the public bathing beach 100%. When walking his dog in the vicinity of the Richard O. Hartley Park he has noticed that there are very few people swimming. Granted the lake's water quality has been poor the past two years. Mr. Seger said he was unaware that the Village of Lakewood is spending \$ 12,000.00 for lifeguards each year. Mayor Wordelmann's thought to at least discuss the matter is a good one.

Trustee Drago indicated it is her understanding that the Lakewood Tree Committee is developing ideas for a pathway from the public boating dock up to Terrace Ave.

Ms. Cara Birrittieri, 15 Sunset Ave., said she too didn't realize that the Village of Lakewood was spending \$ 12,000.00 on lifeguards. Ms. Birrittieri

said although the fence around the beach area provides an enclosure, it also prevents access to the waterfront and beautiful patio. She added not enough people get the chance to enjoy the lake.

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Motion by Trustee Drago, seconded by Trustee Jablonski, and unanimously carried, the Board adjourned at 7:04 PM.

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Joseph M. Johnson  
Village Clerk