

FEBRUARY 27, 2012

The twenty-second regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, February 27, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Susan F. Drago, Susan G. Lane and Joseph M. Troche. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Village Attorney Edward P. Wright, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, and Building Inspector Charles L. Smith. Absent were Village Trustee Gale A. Denn and Fire Chief Kurt W. Hallberg.

#### APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held, February 13, 2012.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

#### AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Lane, that the claims as audited by the Auditing Committee of the abstract dated February 27, 2012, be approved and that the Clerk shall execute said abstract and direct payment by the Treasurer. General Fund: \$ 29,652.86

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

#### REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported although the crew hasn't had to plow snow that often this winter we are keeping busy with other projects such as tree trimming and vehicle maintenance.

Mayor David T. Wordelmann asked Mr. Pilling if work to complete the pickle ball courts located off Linwood Ave., is expected to commence when weather permits.

Mr. Pilling said he is planning to color seal the courts and erect the fencing and nets as soon as possible once the weather improves.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has been very busy since the previous board meeting. One thousand eight hundred thirty-one reportable incidents have been answered year-to-date. Chief Bentley also reported that last Wednesday evening, Officer Casey D. Casselman, following a routine inquiry, was threatened by an individual possessing a shot gun. Unfortunately the individual ended up taking his own life prior to backup arriving at the scene. Chief Bentley also reported officers with assistance from the New York State Police K-9 team, apprehended three individuals in a swamp off the Kortwright Road, after they had stolen a car in the Westfield area. This past Friday evening Chief Bentley said officers investigated a head-on accident on Southwestern Drive, involving two vehicles. Seven of nine individuals involved in the accident were transported to WCA Hospital for treatment of non life threatening injuries.

Mayor Wordelmann asked Village Attorney Edward P. Wright if there was anything new to report on the case involving Mr. Thomas A. Turner's shed located off East Lake Street.

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Mr. Wright indicated that Mr. Turner has received court orders to remove or raze the shed in question, however it is likely Mr. Turner will be pursuing an appeal of the court's decision.

Village Treasurer Andrea J. Windoft said she had asked for the Board of Trustees to review the particulars of a new phone system being proposed by Windstream New York, Inc.

Mayor Wordelmann asked Village Treasurer Windoft if the Village of Lakewood agreed to have the new phone system installed, what savings would be realized.

Village Treasurer Windoft indicated until a complete evaluation of the current phone system in place can be made and how many lines can be eliminated, it is unclear how much can be saved. What is clear, is the new system being proposed by Windstream New York, Inc., is less expensive than the existing phone system. Technicians from Windstream New York, Inc. are expected to stop-in sometime soon to review the existing system and determine what lines can be eliminated.

Mayor Wordelmann explained that the Village of Lakewood wishes to upgrade the municipal building's phone system which will include voice mail for the various departments. He noted the up front cost of the new digital phone system has been estimated at \$ 8,711.88.

Village Treasurer Windoft said she expects to recoup the initial cost of the new phone system within the first fiscal year.

Trustee Susan F. Drago asked if that price quoted by Windstream New York, Inc. includes internet service.

Village Treasurer Windoft said internet service is a separate issue. Windstream New York, Inc. will be providing a quote for internet service which is currently provided by Time Warner Cable. Representatives from Windstream New York, Inc. have implied that their internet service would cost the Village of Lakewood about half of what is presently being paid to Time Warner Cable. Village Treasurer Windoft said an added hardship is the fact that the Village of Lakewood's internet service is tied in with Chautauqua County.

Trustee Joseph M. Troche asked Building Inspector Charles L. Smith if there is any more news regarding the micro wave versus fiber optic communications system being considered for the Anthony C. Caprino Municipal Building.

Mr. Smith said the cost of the tower for the micro wave system is too exorbitant to pursue however the fiber optic system through D & F Communications, Fredonia, New York is the more viable option.

Building Inspector Charles L. Smith wished to report that he heard back from a representative from Darden Restaurants, Orlando Florida, who indicated that they indeed are under contract with the Chautauqua Mall to acquire an out parcel as the future site of an Olive Garden Restaurant and that the project is moving forward.

Mayor Wordelmann indicated it has been thirty days since Ms. Tammy Magnuson was instructed, as a condition of the granting of a Special Use Permit to operate a bar/tavern at 103 Chautauqua Ave., to remove a shed from the property. Mayor Wordelmann asked Building Inspector Smith to look into why the shed hasn't been removed from the property yet and to see to it that the proprietor also follows through on her promise to clean-up the property at that location.

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Mayor Wordelmann then asked Mr. Smith, if the shed isn't removed from the property in a timely manner, what options does the Village of Lakewood have, regarding this matter.

Building Inspector Smith said he will talk with the various parties and encourage their cooperation concerning removal of the shed.

Mayor Wordelmann said another matter the Board of Trustees needs to look into when updating the zoning law later this year, is to review the on street parking patterns around the Chautauqua Lake Yacht Club to ensure that emergency vehicles have clear passage to reported incidents at that location.

RESOLUTION #108-2011-2012 – AUTHORIZE USE OF FUELING FACILITY

Motion by Trustee Troche, seconded by Trustee Drago, authorizing the Lakewood-Busti Police Department and the Department of Public Works, to utilize the fueling facility located at the Town of Busti Highway garage only when convenient or when it is deemed necessary to refuel their fleet of vehicles. NOTE: Trustee Troche wished to make it clear that he voted for this measure only for convenience sake. From a shared services standpoint, Trustee Troche said it is his opinion that this measure will in fact not save any money and that he strongly believes this facility should be used only when convenient. Trustee Drago indicated that when she initially voted in favor of utilizing this fueling facility it was for convenience purposes only.

Adopted: 4 ayes, no nays (Drago, Lane, Troche)

RESOLUTION #109-2011-2012 – APPROVE BORDER PATROL AUGMENTATION AGREEMENT

Motion by Trustee Drago, seconded by Trustee Lane, to approve an agreement between the Village of Lakewood and County of Chautauqua in connection with Border Patrol Augmentation and to authorize Mayor Wordelmann to execute said agreement. Police Chief John R. Bentley briefly explained that this agreement will be funded through a federal "Stone Garden" grant. The primary thrust of this agreement will be to maintain border security, conduct counterterrorism measures, reduce illegal immigration and reduce the smuggling of illegal drugs and cigarettes between the US and Canada. One of the benefits of this agreement is it will afford members of local law enforcement agencies to gain valuable training in areas they normally wouldn't be involved in. Another benefit already realized has been an upgrade in body armor for members of the Chautauqua County SWAT Team.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

RESOLUTION #110-2011-2012 – ADOPT NYS DEFERRED COMPENSATION PLAN

Motion by Trustee Troche, seconded by Trustee Lane, authorizing the Village of Lakewood to adopt the New York State Deferred Compensation Plan, allowing voluntary participation by eligible full and part-time employees and to authorize Mayor David T. Wordelmann to execute said plan.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

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RESOLUTION #111-2011-2012 – AUTHORIZE MID-YEAR BUDGET TRANSFER

Motion by Trustee Drago, seconded by Trustee Lane, authorizing Village Treasurer Andrea J. Windoft to make a mid-year budget transfer regarding an expected overage in the Lakewood Fire Department's diesel fuel account, by transferring \$ 1,500.00 from the Uniforms Account, (A3410.48), into the Diesel Fuel Account, (A3410.45).

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

RESOLUTION #112-2011-2012 – AUTHORIZE FIRE POLICE SEMINAR ATTENDANCE

Motion by Trustee Troche, seconded by Trustee Drago, that the Board of Trustees, acting as the Board of Fire Commissioners, hereby authorize Lakewood Fire Department member Patrick Marlinski to attend a Fire Police Seminar Saturday, March 17, 2012, to be held at the New York State Academy of Fire Science in Montour Falls, New York, per the recommendation of Fire Chief Kurt W. Hallberg. Cost of the seminar is \$ 66.00.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

REVIEW THE HOUSEHOLD GARBAGE COLLECTION/DISPOSAL & RECYCLING BIDS

Mr. John Penhollow, President of Penhollow Disposal Service, Sinclairville, New York, appeared before Mayor Wordelmann and the Board of Trustees, to review with them the bid submitted on February 23, 2012. Mr. Penhollow said he has had the pleasure of doing business with the Village of Lakewood for a number of years now and noted since the early 2000's the cost to collect and dispose of household garbage and recyclables has remained very consistent. Mr. Penhollow indicated the reasons for the sharp increase in cost are attributed to increases in prevailing New York State labor rates, workers' compensation insurance, fuel costs and general liability insurance. Mr. Penhollow said he and his employees are looking forward to continue working with and for the Village of Lakewood.

Trustee Troche asked Mr. Penhollow if there could be any savings if the current pattern by which household garbage and recyclables are collected were to change.

Mr. Penhollow said there wouldn't be any savings when it came to labor costs, however there could be some savings in fuel costs. Mr. Penhollow said changing when garbage and recyclables are collected doesn't fit into our current business plan and over the years we have kept our profit margins very low. Mr. Penhollow indicated if the Village of Lakewood is looking to save money they will need to find a different way to provide this service, such as establishing a transfer station. He added, recycling costs money and on top of that, prices for the various commodities is down right now.

Mr. Penhollow then compared some prices per month for residential curbside garbage pick-up and recycling. He said Penhollow Disposal Service picks-up the Village of Gowanda for \$ 11.00/month per house. Waste Management, which is the largest waste hauler, charges \$ 11.13/month per house, while the Jamestown Board of Public Utilities charges \$ 12.00/house per month. Mr. Penhollow said the one year bid price of \$ 165,000.00 is figured at a rate of \$ 9.16/month per household. The three year bid price of \$ 520,163.00 is based on per house per month cost of \$ 9.25-\$ 9.30. Some private residential customers Penhollow Disposal Service picks up for are charged between \$ 22.00 and \$ 30.00 per month. In conclusion, Mr. Penhollow said the first year of the contract would also include the Village of Lakewood's annual spring trash/junk pick-up.

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Mayor Wordelmann indicated to Mr. Penhollow that based on the bids received last Friday, the Village of Lakewood will need to do something different when it comes to the collection and disposal of household garbage and recyclables. Mayor Wordelmann said his math does not match the figures Mr. Penhollow reports. The one year bid of \$ 165,000.00 is unacceptable, adding taxpayers can not afford that kind of increase. Mayor Wordelmann stated if his math is correct, the increase in the garbage collection and disposal cost alone would represent a 4% increase in village taxes and 2% above the tax cap limit.

Mayor Wordelmann then suggested several alternatives to curbside household garbage collection that the Village of Lakewood could consider, such as purchasing a garbage truck and hiring a small work force, look to our neighbor, the Village of Celoron, and consider a shared services type of agreement with them, establish a transfer station within the Village of Lakewood or to reject the bids as received and re-bid the work in hopes of receiving a lower bid.

RESOLUTION #113-2011-2012 – AGREE TO REJECT ALL GARBAGE BIDS & TO RE-BID

Motion by Trustee Troche, seconded by Trustee Drago, per the recommendation of Mayor Wordelmann, for the Village of Lakewood to reject the two (2) bids as received Friday, February 23, 2012, for the collection & disposal of household garbage plus the collection and disposal of recyclable materials, commencing June 1, 2012, per the specifications and instructions as prepared by the Village of Lakewood and instruct the Village Clerk to re-bid the contract. Trustee Troche also suggested that other options regarding the collection & disposal of household garbage and recycling program be looked into and considered.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

RESOLUTION #114-2011-2012 – AUTHORIZE REQUEST FOR PROPOSALS

Motion by Trustee Troche, seconded by Trustee Lane, authorizing the Village Clerk to advertise for the Request for Proposals, (RFP) regarding the surface preparation and painting of the wooden soffits/overhangs, window and door trim of the Anthony C. Caprino Municipal Building, 20 West Summit Street. Proposals will be accepted until 3:00 PM, Friday, March 23, 2012.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

RESOLUTION #115-2011-2012 – TABLE NEW PHONE & INTERNET SERVICE CONTRACT

Motion by Trustee Troche, seconded by Trustee Lane, to table any action on a contract for a new digital phone and internet service through Windstream New York, Inc. for the Anthony C. Caprino Municipal Building, until such a time the Board of Trustees has had additional time to review said contract.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

Motion by Trustee Troche, seconded by Trustee Lane, and unanimously carried the Board adjourned at 7:15 PM.

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Joseph M. Johnson  
Village Clerk