

OCTOBER 24, 2011

The fifteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, October 24, 2011 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, Susan F. Drago, Joseph M. Troche and P.J. Wendel. 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, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent was Village Attorney Edward P. Wright.

#### ANYONE TO BE HEARD

Trustee Gale A. Denn indicated that in his experience as a Town Supervisor he went through several audits conducted by the State Comptroller's Office and it was stressed that generally accepted accounting principals be followed and therefore he has some concern about a possible audit trail on Village of Lakewood monies annually appropriated as a revenue source for the Busti-Lakewood Recreation Commission. The question arises are we as your elected officials watching out for the taxpayers dollars in a manner we are sworn by oath to do. Trustee Denn said there doesn't appear to be any impropriety however it might be necessary to tighten-up the language in future agreements.

Trustee Susan F. Drago indicated that she has been a part of the Chautauqua County Youth Bureau for over twenty years and she has seen the budget go from nearly \$ 750,000.00 down to around \$ 100,000.00. Trustee Drago said she doesn't wish to cut any recreation programs, however in lieu of the fact there is a surplus it tells her that the programs could continue as usual with less financial support from the Village of Lakewood. She would also like to see included in future recreation agreements with the Town of Busti language stating that funding from the Village of Lakewood will be used only for programs.

Mr. Modesto C. Arrigo, Big Tree Road, suggested that officials from both the Town of Busti and Village of Lakewood get together to hash out any differences regarding this subject.

Mayor David T. Wordelmann indicated to Mr. Arrigo that he and Trustee Joseph M. Troche recently met with Town of Busti Councilmen Jesse Robbins and Rick Sanders to discuss this particular agreement at length. This subject is a concern of the people and we are working together to keep the current recreation programs going forward.

Mrs. Jennifer Wohler, 26 East Terrace Ave., asked how much is it costing each entity to run the various programs.

Mayor Wordelmann indicated the Town of Busti budgets \$ 60,000.00 annually to operate the Busti-Lakewood Recreation Commission, however the past few years they have over budgeted. Last year the fund was over budgeted by twenty thousand dollars, sixteen thousand the year before that, fifteen thousand the year before that and nine thousand dollars each for the years 2007 and 2006. Mayor Wordelmann said the left over dollars are then deposited into a fund balance. He did note that some years there are more expenses than other years. For the past five years or so the Busti-Lakewood Recreation Commission budget has been around \$ 60,000.00, but generally only around forty to fifty-five thousand dollars is spent.

Mrs. Wohler asked if there are any statistics on who participates in the various programs offered by the Busti-Lakewood Recreation Commission.

OCTOBER 24, 2011 (CONTINUED)

Recreation Director Diana Peterson indicated that between 80-85% of those participating in the various recreation programs are Village of Lakewood residents.

Mayor Wordelmann indicated that we are aware that most of those who participate in the programs offered are Village of Lakewood residents and that is why we wish to keep the programs going and keep it a viable operation, while at the same time being fiscally prudent.

Mrs. Marion Gibbon, 92 West Summit Street, said she is trying to understand the \$ 15,000.00 appropriation from each entity as the main funding source to operate the Busti-Lakewood Recreation Center. If the Rec. Director has saved money prudently over the years and needs money to maintain the building properly it seems to her that the Village of Lakewood thinks the extra money is theirs. It is only reasonable to think that the so called surplus money could be any part of the revenue pie. Mrs. Gibbon said she thinks it is neat that Mrs. Peterson has been able to save some money during these economic hard times and is impressed at what she has done in taking good care of those who participate in the various programs.

Mayor Wordelmann said he can only speak for himself, but it was his understanding that the \$ 15,000.00 annually appropriated by the Village of Lakewood went towards the programs not for the upkeep of a building owned by the Town of Busti. If the Town of Busti doesn't need \$ 15,000.00 to run just the programs then why is the Village of Lakewood continually requested to appropriate that amount. The elected officials of the Village of Lakewood continually ask ourselves what do the residents of the village get for their tax dollars paid to the Town of Busti. We need something coming back in return for our tax dollars. An example of something coming back would be for the Town of Busti to take care of their buildings at their own expense.

Mrs. Gibbon suggested that maybe the village's money goes towards the programs and the town's money goes towards the upkeep of the building.

Mayor Wordelmann indicated he doesn't wish to tell the Town of Busti how to budget monies, but would recommend monies funding programs and monies funding building maintenance be kept separate. The Village of Lakewood's budget has line items for building maintenance, utilities, etc. and therefore there can be no co-mingling of funds.

Trustee Troche said the Board of Trustees is in no way judging how Mrs. Peterson performs her duties as Rec. Director and wishes every department could operate with a profit. He said local government entities should not be operating on the idea of making profits. If there are profits at the end of the fiscal year they should be redistributed to the local taxpayer. Mrs. Peterson runs a great program and if they needed the entire \$ 15,000.00 annually to operate we would give it to them, but they don't need that much money to provide their programs.

Mrs. Gibbon asked if the user fees for the various recreation programs will increase if the Village of Lakewood does not appropriate \$ 15,000.00 for 2012.

Trustee Troche said in principal it shouldn't impact the fees in any way because there will likely still be a profit at the end of the fiscal year.

Trustee Denn indicated that per the joint recreation agreement, the Town of Busti shall be responsible for any and all costs to maintain the building and premises at 9 West Summit Street.

OCTOBER 24, 2011 (CONTINUED)

The Town of Busti takes care of the building and the Village of Lakewood contributes towards the programs. It begs the question, are some of the funds designated for programs used towards the maintenance of the building. There is where some of the confusion comes in. If the Town of Busti doesn't need \$ 15,000.00 to run the recreation programs then maybe the Village of Lakewood can reduce its appropriation by half or more.

Trustee P.J. Wendel indicated people have to remember that originally the Recreation Commission was comprised of five residents from the Village of Lakewood and five residents from the Town of Busti. The so called recreation commission was dissolved some years ago and therefore the entire recreation program landed in the lap of the Recreation Director. With no recreation committee the Village of Lakewood lost its representation and any input it had with respect to the joint recreation program.

Trustee Troche indicated what the Board of Trustees needs to decide this evening is whether or not to appropriate the \$ 15,000.00 as requested, cut the appropriation or not to appropriate any funding for the joint recreation programs.

Mayor Wordelmann said because the current Joint Recreation Commission agreement between the Village of Lakewood and the Town of Busti expires at the end of the year it is a good time to review the particulars of the agreement.

Trustee Denn indicated there are two other issues that must be discussed. Trustee Denn said Trustee Troche accurately pointed out that the Village of Lakewood provides the Town of Busti with its court room and they don't reimburse the Village of Lakewood for its use, but the Village of Lakewood in turn provides \$ 15,000.00 annually towards the joint recreation budget. The general consensus is if the Village of Lakewood provides this building for Town Court purposes at no charge to the Town of Busti then the township shouldn't be using village funds to maintain the recreation center. Going forward, any new agreement should stipulate what the recreation budget is and what the projected expenses are. He reminded everyone that village residents also pay town taxes and that we looking out for the taxpayer interests from both the town and village.

Trustee Wendel indicated another way to look at it is, because of the annual surplus of approximately 30%, it appears the Town of Busti annually over budgets its recreation budget. If the Village of Lakewood over budgeted its annual budget by 30% there would be an out cry by village taxpayers requesting that their village taxes be lowered. We applaud Mrs. Peterson for the terrific job she does as recreation director and for being fiscally responsible, however the current economic hard times require us to take a closer look at our expenditures.

Mr. Richard Thor, 3643 Baker Street Ext., indicated he takes exception to some of the comments that have been made this evening. He suggested the mistake the Town of Busti made years ago was it should have borrowed the money to make some major upgrades to the building. He said everyone would agree that the recreation center needs some major work done to it. The monies Mrs. Peterson has set aside should not be considered a surplus but rather money she wisely managed to pay for a new furnace and other building improvements.

Mr. Thor said he is not exactly sure how the Village of Lakewood can say their money can only go towards programs. One can't have programs without a facility.

OCTOBER 24, 2011 (CONTINUED)

Mayor Wordelmann said he explained that program funding and building funding should be kept separate. He reiterated it has been the understanding of this board that the \$ 15,000.00 appropriated as a revenue source for the recreation commission went towards programs and not building maintenance.

The other thing Mr. Thor he said takes issue with is the idea presented that the Village Building is given free to the Town of Busti for use as its court room while the Village of Lakewood has to pay towards the upkeep of the recreation center. He indicated the current police services contract between the Village of Lakewood and the Town of Busti clearly stipulates that the Village of Lakewood shall be responsible for maintenance, insurance and utilities with respect to the court facilities located in the village hall. There is a price for the police services contract as well. If the cost to the Town of Busti is \$ 200,000.00, then a certain amount of that money could in turn be used towards the maintenance of the court room facility.

Trustee Troche interjected saying that particular contract has been unfair for some time. He told Mr. Thor if he would read the police services contract closely, the Village of Lakewood has many good points to stand on. If the recreation program needs a facility, let me remind you the Town Court is in our building.

Mayor Wordelmann said we are here this evening to discuss the joint recreation budget and to question how tax dollars are being spent. The extra money Mrs. Peterson has set aside is still a surplus.

Trustee Troche said individuals may set some money aside for a sunny day, but when government entities set money aside tax payers money it is called a surplus.

Mr. Thor said if the Village of Lakewood wishes their money be used for programs only, he reminded them that 80% of those participating in the programs are Village of Lakewood residents.

Mayor Wordelmann indicated back in 1969 when the Town of Busti took possession of the building and property at 9 West Summit Street, it was spelled out in the initial joint recreation agreement that the Town of Busti would be responsible for all maintenance and utilities for the building.

Trustee Wendel indicated that it may be necessary to reestablish representation from the Village of Lakewood and Town of Busti as part of a new recreation committee.

Town of Busti Councilman Jesse Robbins indicated that we don't want anything to disrupt the current programs at the recreation center. He said there is a joint account in place that takes care of all the expenses incurred by the recreation department. Mr. Robbins said we all need to work together to keep the recreation programs going forward for the residents.

Mr. Duane F. Anderson, 115 W. Terrace Ave., indicated his comments may be a bit simplistic, but what is past is past. He suggested that common sense should prevail by letting the approximate \$ 85,000.00 remain as a reserve and determine what the various programs cost. Talks between the two entities should then take place to work on a new joint recreation agreement.

Recreation Director Diana Peterson wished to thank representatives from the various programs for attending tonight's meeting. Mrs. Peterson said when she took over the duties as Rec. Director, it was her understanding that the recreation department would receive \$ 15,000.00 from both the Town of Busti and the Village of Lakewood to be used for operational expenses. Any revenue raised via facility rentals or program fees would be above and beyond that. She said her goal has been to break even on running the various programs. Her concern is if the budget is cut would programs also be cut. Although the fees to participate in different programs is very minimal, any program cuts would mean a cut in revenue.

## OCTOBER 24, 2011 (CONTINUED)

Mrs. Peterson said the \$ 15,000.00 received from the Village of Lakewood and the Town of Busti is the financial foundation from which to build from.

Trustee Troche indicated to Mrs. Peterson that we wish to review the recreation budget each year to make sure you have the funds you need. We don't wish to make budget cut backs just for the sake of making cut backs, but rather consider a cut back only if the money isn't needed. The Board of Trustees isn't looking to cut money from the recreation budget but is making sure tax dollars are being spent wisely.

Mrs. Peterson indicated it would be very difficult to determine where exactly funding received from the Village of Lakewood is being spent.

Mayor Wordelmann indicated with new administrations in place at the village and town level it is the perfect time to sit down and hammer out agreements between the two parties that contain clear language that everyone understands.

Mrs. Jennifer Wohler, 26 E. Terrace Ave., indicated to Mayor Wordelmann and members of the Board of Trustees that she and Mrs. Karen Dennerlein, 1 Winchester Road, are co-chairpersons for this year's Christmas in the Village shopping event, sponsored and hosted by the Lakewood Women's Club. Mrs. Wohler said this year's event will be held Saturday, December 3<sup>rd</sup>, from 10:00 AM – 4:00 PM.

She indicated that last year the late Mayor Anthony C. Caprino approached her and Karen with the idea to bring back a Christmas tree lighting ceremony and we are here this evening to see if such a ceremony could be coordinated with the Christmas in the Village event. Because the Garden Club does some maintenance at the Memorial Park they would like to suggest having the Christmas tree lighting ceremony there.

Trustee Troche said he had previously suggested that the Village of Lakewood get involved with more community wide events. He also suggested that a local resident consider donating a pine tree from their property to be the village Christmas tree used for the tree lighting ceremony.

Councilman Robbins indicated there will also be a tree lighting ceremony at the "five corners" in the Hamlet of Busti, Saturday, December 3<sup>rd</sup>, at 6:00 PM. He said there will be a visit from Santa Claus and sandwiches and other refreshments will be served at the Busti Fire Hall. Everyone is welcome.

## APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Wendel, to approve the minutes of the last regular meeting of the Board of Trustees, held October 10, 2011.

Adopted: 4 aye, no nays (Denn, Drago, Troche, Wendel)

## AUDIT OF CLAIMS

Motion by Trustee Denn, seconded by Trustee Drago, that the claims as audited by the Auditing Committee of the abstract dated October 24, 2011, be approved and that the Clerk shall execute said abstract and direct payment by the Treasurer. General Fund: \$ 79,675.00

Adopted: 4 ayes, no nays (Denn, Drago, Troche, Wendel)

OCTOBER 24, 2011 (CONTINUED)

## REPORTS

Department of Public Works Supervisor Thomas R. Pilling reported that the Village of Lakewood had taken delivery of the new 2011 Case Backhoe/Loader, but unfortunately it was returned to the dealership for repairs. The new 2011 International cab and chassis is having its new dump box installed and it should be ready for pick-up by the end of the week. The Busti Highway Department is building a plow frame for the new dump truck. Mr. Pilling said other than that the D.P.W. crew is gearing-up for the annual leaf pick-up.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to eight thousand two hundred ninety two reportable incidents year-to-date. Chief Bentley also reported that he recently received the Live Scan/Fingerprinting Grant reimbursement in the amount of \$ 20,279.00. Chief Bentley said a question came up regarding how often the Lakewood-Busti Police Department assists other police agencies. For the record the Lakewood-Busti Police Department has assisted the Jamestown Police Department, Town of Ellicott Police Department, Chautauqua County Sheriff's Department and the New York State Troopers four hundred sixty times year-to-date. He said they assist the City of Jamestown and Town of Ellicott the most, with the County and State coming in third and fourth. Assists to other agencies such as the Chautauqua County Probation Dept., U.S. Marshall, Drug Enforcement Agency, U.S. Border Patrol and the FBI total twenty-five year-to-date. Chief Bentley said the Lakewood-Busti Police Department recently did a transport of a violent criminal for the State Troopers, in that they do not have cages in their vehicles. Chief Bentley then asked Mayor Wordelmann and the Board of Trustees if they could go into a short executive session later this evening in order to discuss the labor contract agreement.

Village Treasurer Andrea J. Windoft reported that the annual Village of Lakewood auction held this past Saturday, generated \$ 15,862.26 in revenue, \$ 10,440.35 of which she would like permission to deposit into account A-230.20, which is the Special Cash Reserve Account for D.P.W. equipment purchases.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to six hundred forty-five alarms year-to-date. Chief Hallberg also reported that they were called out via mutual aid this past Sunday morning to assist in battling a structure fire at the Ethan Allen furniture factory in Frewsburg, N.Y. He noted everyone worked well together and did a good job in containing the fire.

Building Inspector Charles L. Smith reported that two (2) new tenants, (PetsMart and Sally Beauty) in the Lakewood Village Center have been issued Certificates of Occupancy and are expected to open sometime in November. Mr. Smith noted there is just one more empty storefront.

Trustee Wendel said he loves the fact that there are hardly any empty parking spaces at the Lakewood Village Center and it is good to see that Red Lobster is doing well. The plaza remodel has been a great addition to the commercial corridor along Rt. 394. Also, with Olive Garden looking at a site for a new restaurant across the street is just a great thing for the community.

## COMMITTEE REPORTS

Trustee Troche who is also the Highway Committee Chairman said he would like for the Village of Lakewood to consider participating in the Tri-County Tobacco Free Program whereby signs would be posted in parks throughout the village designating them as tobacco free.

OCTOBER 24, 2011 (CONTINUED)

RESOLUTION #80-2011-2012--APPROVE FUNDING FOR THE BUSTI-LKWD REC. COMMISSION

Mayor Wordelmann recommended that as a show of good faith the Board of Trustees should approve a certain monetary amount to be budgeted towards the 2012 operating expenses of the Busti-Lakewood Recreation Commission and to begin discussions on formulating a new agreement between the Village of Lakewood and the Town of Busti. Motion by Trustee Troche, seconded by Trustee Drago, to approve the appropriation of \$ 7,500.00 to be used towards the operating expenses of the Busti-Lakewood Recreation Commission for 2012.

Adopted: 4 ayes, no nays (Denn, Drago, Troche, Wendel)

RESOLUTION #81-2011-2012 – APPROVE LABOR CONTRACT AGREEMENT

Motion by Trustee Troche, seconded by Trustee Wendel, per the recommendation of Mayor Wordelmann, to approve the Labor Contract Agreement between the Village of Lakewood and the C.S.E.A., Inc., Local 1000 AFSCME, AFL-CIO, Chautauqua County Local #807, Village of Lakewood Police Unit #6320, for the three year term of June 1, 2011 thru May 31, 2014, and to authorize Mayor David T. Wordelmann to execute said agreement. NOTE: All but one of the amendments to the previous labor agreement will become effective June 1, 2012. Mayor Wordelmann indicated to those present that no employees of the Village of Lakewood received pay raises this year. Trustee Wendel wished to thank the negotiating committee as well as the police officers and their bargaining agent for their efforts in agreeing to no raises this year, which was very commendable.

Adopted: 4 ayes, no nays (Denn, Drago, Troche, Wendel)

RESOLUTION #82-2011-2012 – SET HALLOWEEN TRICK OT TREAT HOURS

Motion by Trustee Troche, seconded by Trustee Wendel, to set 6:00 PM – 8:00 PM, as the hours designated for Trick or Treat in the Village of Lakewood on Halloween, Monday, October 31, 2011.

Adopted: 4 ayes, no nays (Denn, Drago, Troche, Wendel)

RESOLUTION #83-2011-2012 – AUTHORIZE DEPOSIT INTO EQUIPMENT FUND

Motion by Trustee Denn, seconded by Trustee Troche, authorizing Village Treasurer Andrea J. Windoft to deposit \$ 10,440.35 of the \$ 15,862.26 generated from the public auction held Saturday, October 22, 2011, into account A230.20, which is the Special Cash Reserve for future D.P.W. equipment purchases.

Adopted: 4 ayes, no nays (Denn, Drago, Troche, Wendel)

RECESS

Motion by Trustee Wendel, seconded by Trustee Troche, to recess the regular meeting of the Board of Trustees at 7:29 PM, so as to enter into executive session to discuss particulars of the current labor agreement between the Village of Lakewood and the police union.

Adopted: 4 ayes, no nays (Denn, Drago, Troche, Wendel)

OCTOBER 24, 2011 (CONTINUED)

EXECUTIVE SESSION

Present at the executive session were Mayor David T. Wordelmann, Trustee Gale A. Denn, Trustee Susan F. Drago, Trustee Joseph M. Troche, Trustee P.J. Wendel and Police Chief John R. Bentley. Motion by Trustee Wendel, seconded by Trustee Troche, to adjourn the executive session at 8:03 PM and to reopen the regular meeting of the Board of Trustees.

Adopted: 4 ayes, no nays (Denn, Drago, Troche, Wendel)

Motion by Trustee Wendel, seconded by Trustee Troche, and unanimously carried the Board adjourned at 8:05 PM.

---

Joseph M. Johnson  
Village Clerk