

DECEMBER 22, 2014

The eighteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, December 22, 2014 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 Drago, seconded by Trustee Di Salvo, to approve the minutes of the last regular meeting of the Board of Trustees, held December 8, 2014. Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Jablonski, that the claims as audited by the Auditing Committee of the abstracts dated December 22, 2014 be approved and that the Clerk shall execute said abstracts (#7, #30 & #31) and direct payment by the Treasurer. Capital Fund: \$ 378.96, (Checks #11296 & #11297), Trust & Agency Fund: \$ 60,656.05, (Checks #3194 thru #3215), General Fund: \$ 47,493.17, (Checks #11298 thru #11328)
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to eleven thousand nine hundred thirty-nine reportable incidents year-to-date. Chief Bentley was pleased to also report that he recently received a couple donations for use by the new K-9 Unit. The donations for the K-9 Unit included \$ 920.80, from former Lakewood-Busti Police Officer Randy Johnson, which is to be used to purchase a new bullet proof vest for the dog and \$ 100.00 from Mr. Bernard Anderson, 1423 Orr Street.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to seven hundred seventy-four alarms year-to-date. Of the alarms answered that past two weeks three were motor vehicle accidents and five were for advanced life support emergency medical service.

Joseph M. Troche, 19 Winchester Road, asked Chief Hallberg if a cause of the fire at the El Azteca Mexican Restaurant, 12 West Fairmount Ave. has been determined yet.

Chief Hallberg said it has been determined the cause of the fire at 12 West Fairmount Ave. was electrical in nature.

Building Inspector Jeffrey A. Swanson reported that the burned out structure at 12 West Fairmount Ave. has been razed and as of this afternoon most of the demolition material and debris has been hauled off site and that he is

continuing to address various property maintenance issues.

Trustee Drago indicated to Building Inspector Swanson that after speaking with him earlier in the week, before the structure at 12 West Fairmount Ave. was razed, he assured her that it was a "clean" survey. Trustee Drago implied there is no way the site was "clean" thirty minutes after the inspector walked off the site.

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Building Inspector Swanson indicated that Mr. John F. Neeson, an asbestos inspector from Neeson Clark Associates, Inc., Olean, N.Y. told him that there were no visible signs of asbestos. Mr. Swanson said after consulting with Mr. Larry Scalise, a Code Enforcement Officer from the City of Jamestown and former Building Inspector Charles L. Smith regarding the building's safety, Mr. Neeson agreed the building could be a potential danger. He said the building may be razed, but do not haul anything off site until the official asbestos report is completed. Mr. Swanson said he received the report back stating it was a "clean" site, from an asbestos standpoint and that the demolition material and other debris could be removed off site.

Trustee Drago argued that if asbestos would have been present in the building, those asbestos particles would have become airborne. Trustee Drago said Mr. Swanson, the Village of Lakewood and the contractor, who razed the burned out structure, are very lucky there wasn't any asbestos present.

Building Inspector Swanson indicated there was an asbestos engineer on site who made that determination.

Village Attorney Wright said he and Building Inspector Swanson discussed the matter in detail. The asbestos inspection survey was done and it was the recommendation of the inspector that the building should come down rather than leave it partially erect as it was following the fire. Village Attorney Wright said the Village of Lakewood acted on this matter according to the law.

Trustee Drago asked Village Attorney Wright if what transpired was considered an "emergency demolition".

Village Attorney Wright answered yes, the razing of the partially burned out El Azteca Mexican Restaurant was considered an "emergency demolition".

Trustee Drago said in accordance with the N.Y.S. Department of Labor Industrial Code #56, it can only be deemed an "emergency demolition" by the Commissioner or a representative.

Building Inspector Swanson said he had a conversation with Fire Chief Hallberg about the building's safety, and we actually considered razing the structure the day after the fire.

Trustee Drago said that's all well and good but the building sat there for five days before it came down.

Building Inspector Swanson said the building sat there for five days awaiting the asbestos report.

Trustee Drago contended that there was no way to know if there was asbestos

present until the samples were tested.

Village Attorney said upon receiving the asbestos report and considering the condition of the building it became advisable to raze the structure.

Trustee Drago asked who was the asbestos inspector that filed the report and recommended that the building be razed.

Building Inspector Swanson said Mr. John F. Neeson, of Neeson Clark Associates, Inc. Olean, N.Y., filed the asbestos report and recommended that the building be torn down.

Joseph M. Troche, 19 Winchester Road, asked Building Inspector Swanson if he and the Village of Lakewood are making any progress in asking the property owners of former businesses to remove old signage.

Building Inspector Swanson said he is making some progress in working with commercial property owners to have them remove old signs.

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Mr. Swanson said he has had some cooperation from Benderson Capital, owner of the former Wilson Farms Store, who have removed the old phone booth from the site and removed the old slats from the chain link fence located along the property's easterly boundary line.

RESOLUTION #87-2014-2015 - APPROVE BOND ANTICIPATION NOTE RENEWAL

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J. Windoft and Village Attorney Edward P. "Tad" Wright to renew the Bond Anticipation Note (5 year renewable - 1 year maturing BAN) in the amount of \$ 24,000.00 for the 2007 Elgin Street Sweeper, due January 16, 2015.

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

REVIEW BIDS FOR A CUSTOM 1500 GPM CLASS A PUMPER TRUCK

The Village of Lakewood received four base bids for a Custom 1500 GPM Class A Pumper from the following vendors. Four Guys, Inc., Meyersdale, PA - \$ 687,574.00, Colden Enterprises Fire & Rescue, Kenmore, N.Y. - \$ 648,902.00, Empire Emergency Apparatus, Niagara Falls, N.Y. - \$ 618,813.00 and Lynn Kolaja Fire Equipment Sales, Union City, PA - \$ 608,932.00

First Assistant Fire Chief Stephen W. Smouse, Chairman of the Fire Truck Committee indicated to Mayor Wordelmann and the Board of Trustees he and the rest of the Fire Truck Committee spent a lot of time preparing the specifications for the truck, working with vendors, looking at different apparatus and researching warranties. The first round of bids that were received back in July 2014 were considered much too high and therefore the truck was rebid for bids to be received November 21, 2014.

Mr. Smouse indicated some of the bid documents were incomplete or didn't include different equipment as specified. Although it wasn't the low bid, members of the truck committee, after reviewing the bids, unanimously recommended the Spartan ERV, from Colden Enterprises Fire & Rescue at the

price of \$ 648,902.00. It was considered the best truck based on construction, service and warranty. Mr. Smouse said it is a specialized piece of equipment and is designed to do more than the standard pumper that other fire departments utilize.

Fire Chief Hallberg indicated the company building the low bid truck recently formed and said the truck would be built in three different locations. Chief Hallberg said because there are no such pumpers in service along the east coast to take a look at, he and the truck committee are somewhat nervous about the company's workmanship, however they are quite sure of the quality of the emergency pumper by Spartan ERV.

Village Attorney Wright asked Mr. Smouse wasn't there an issue with the low bidder's specifications not being complete.

Mr. Smouse indicated some of the bidders, including the low bidder, failed to include in their bid documents exactly what was specified.

Chief Hallberg and his fellow truck committee members believe the emergency pumper they've recommended is more apt to last twenty years plus.

Village Attorney Wright said it is his understanding that the truck committee, after reviewing the bids and bid documents, is more comfortable in getting exactly what was specified with the Spartan ERV than with some of the other bids that were lacking certain information as was specified.

Mayor Wordelmann wanted to make it clear that the Village of Lakewood is required to accept the low bid.

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If a higher bid is accepted Mayor Wordelmann said there will be a need to document in detail as to why the lower bids were not accepted. Auditors from the N.Y.S. Comptroller's Office will require that information when the next audit is conducted.

Village Attorney Wright indicated the test is when the lower bid is not accepted, is it because there are concerns that the Lakewood Fire Department is not going to receive what was specified, whether it be equipment, performance, warranties, etc.

Chief Hallberg indicated he and the truck committee will be comfortable in preparing a list of reasons as to why the lower bids should not be accepted.

Mr. Smouse indicated the overall cost of the pumper will be defrayed with the sale of the 1993 Sutphen pumper, which should bring in a minimum of \$ 40,000.00 and a commitment from Cummins Engine to reimburse the fire department the cost of the diesel engine which will be between \$ 20,000.00 and \$25,000.00.

Mayor Wordelmann said no one has asked the question, how is the Village of Lakewood going to finance the purchase of a new pumper. One way would be via a Bond Anticipation Note over five years or the method Mayor Wordelmann said he would favor, and that is to take out a bond and pay it back over a ten year period. The first bond payment will likely be due at the beginning of the Village's 2016-2017 fiscal year.

Trustee Jablonski indicated he believes it would be proper procedure to see and review the documentation as to why the lower bids are unacceptable before the Board of Trustees makes a decision on this matter.

RESOLUTION #88-2014-2015 - TABLE ACTION ON THE CLASS A PUMPER BIDS

Motion by Trustee Jablonski, seconded by Trustee Di Salvo, for the Board of Trustees, acting as the Board of Fire Commissioners, to table any action on the bids received for a Custom 1500 GPM Class A Pumper, until such a time Fire Chief Hallberg and the Truck Committee provide detailed documentation as to why the lower bids as received are unacceptable.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #89-2014-2015 - AUTHORIZE REQUEST FOR BIDS

Motion by Trustee Jablonski, seconded by Trustee Drago, authorizing the Village Clerk to request sealed bids for the collection and disposal of household garbage and recyclables for both one (1) and three (3) year periods, commencing June 1, 2015.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #90-2014-2015 - APPROVE TREE COMMITTEE MEMBER APPOINTMENT

Motion by Trustee Di Salvo, seconded by Trustee Drago, for the Board of Trustees to accept the resignation of Tree Committee member Mr. Scott Smith, 110 Winchester Road, and to appoint in Mr. Smith's place Mr. Tom Simmons, 104 Sunset Ave., per the recommendation of Tree Committee Chairman Mr. Richard Rose.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

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RESOLUTION #91-2014-2015 - APPROVE FIRE CHIEF POSITIONS

Motion by Trustee Drago, seconded by Trustee Jablonski, for the Board of Trustees, acting as the Board of Fire Commissioners, to approve the following fire chief positions for 2015. Fire Chief: Kurt W. Hallberg, First Assistant Fire Chief: Stephen W. Smouse, Second Assistant Fire Chief: Todd Gilbert.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #92-2014-2015 - APPROVE NEW FIRE DEPARTMENT MEMBER

Motion by Trustee Drago, seconded by Trustee Jablonski, for the Board of Trustees, acting as the Board of Fire Commissioners, to approve Mr. Andrew Shilling, 188 Bentley Ave., as a new member of the Lakewood Volunteer Fire Department.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #93-2014-2015 - APPROVE OUT OF FIRE DISTRICT STATUS

Motion by Trustee Jablonski, seconded by Trustee Drago, for the Board of Trustees, acting as the Board of Fire Commissioners, to approve out of fire district status for Lakewood Volunteer Fire Department member Ms. Brandi Collum, who now resides at 33 Duesquene Ave., Celoron, N.Y.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, and unanimously carried the Board adjourned at 6:59 PM.

Joseph M. Johnson
Village Clerk