

NOVEMBER 7, 2005
REGULAR MEETING
7:30 P.M.

Regular meeting of the Village Board held at the Village Hall and called to order by President Peterson with the following members present: Schmitt, Austin, Trout, Molburg, Ryner, Kness, Peterson, and Johnson. Absent:none.

Village Attorney Steele was present.

Motion by Kness, second by Schmitt to approve the minutes of the October 3, 2005 Regular Meeting, Closed Session 1, Closed Session 2, and the October 4, 2005 Special Meeting and Hearing and Closed Session. Roll call votes: Ryner – aye, Molburg – aye, Trout – aye, Austin – aye, Schmitt – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Motion by Schmitt, second by Kness to terminate Wade R. Murphy as Village Police Chief effective October 4, 2005 on the October 4, 2005 Special Meeting minutes. Roll call votes: Austin – aye, Kness – aye, Ryner – aye, Schmitt – aye, and Trout – aye. Absent from the October 4, 2005 Special Meeting was Molburg.

All Board Trustees (Schmitt, Austin, Trout, Molburg, Ryner, and Kness) signed the Memorandum of Opinion upon the hearing on the charges against Wade R. Murphy as Village Police Chief and termination of Wade R. Murphy as Village Police Chief.

Village President Peterson asked the Board to consider Tim Carr for the position of Village Police Chief as long as Tim Carr is qualified. Officer Carr explained to the Board that he needed the 80 hour PTI course (a 2 week course) to get his PTI Certification, and that he now has the 400 hours. President Peterson stated that Officer Carr will have to have the necessary paperwork (waiver and notice of appointment) to become full time from part time duty.

Motion by Kness, second by Trout to send Tim Carr to PTI 80 hour class for the two week transition course. Roll call votes: Schmitt – aye, Ryner – aye, Molburg – aye, Kness – aye, Austin – aye, and Trout – aye. All votes were in favor, and the motion was carried. The Board noted that this course will complete the PTI training for the full time Police Chief position. President Peterson stated that he and Officer Carr would work on a schedule during the December class time.

President Peterson stated that he would like the Board to look at the police chief's salary with the first year at \$23,500 with a 3% IRA retirement plan, and \$1,500 paid for the chief's own health insurance, then based on performance and residency, do a yearly review. He further stated that there should be a one year probation on hiring , and the Police Committee and Police Chief would discuss and review that first year. Also, he stated that the Board should look at increases yearly on the wage and health insurance so the officer will know about the increases.

Officer Carr presented the Police Report for October 2005. He reported traffic stops, arrests, several juvenile complaints and actions, dogs, with two cases where the animal control told him if the dog was loose to shoot it due to being considered viscous,

citation on loose dog, abandoned dog, juvenile with pellet gun, and juvenile with two blades, mileage on the squad 17,303, and that he averaged 30-40 miles per night on the squad.

President Peterson stated that he went with Officer Carr to check on the violations.

Motion by Kness, second by Austin to pass Ordinance 6, 2005 Establishing a Program and Procedure for the Use of Administrative Warning tickets for Certain Ordinances on Violations in the Village. Roll call votes: Schmitt – no, Molburg – aye, Ryner – aye, Kness – aye, Austin – aye, Trout – aye. Five votes aye, one vote no, motion carried. The Board noted that there would be two weeks to comply to the tickets, but if they don't, it then goes into the Ordinance, \$75.00 - 15 days, the Clerk collects and issues a receipt)

President Peterson requested that the Board pay Officer Tim Carr twice a month due to the extent of hours.

Motion by Molburg, second by Schmitt to pay full time (acting Police Chief) Officer Carr semi-monthly, on the first and fifteenth of the month with hours turned in for those time periods. Roll call votes: Molburg – aye, Schmitt – aye, Kness – aye, Trout – aye, Austin – aye, and Kness – aye. All votes were in favor, and the motion was carried.

President Peterson presented a General Order #25 to be added to the Village's Police Policy as 1. complaints against any New Windsor police officer of a disciplinary type, 2. the Police Chief and Police Commissioner (Village President) will investigate all complaints by having the complaint in writing from the complainant and a police report on the offense, 3. the Police Chief or Police Commissioner (Village President) will executively decide if further action is needed, and if needed the matter will be brought to the Police Committee or Village Board to consider four courses of disciplinary action:

Village Attorney Steele stated that the Village does not have the commission form of government, and he did not recommend being a commission form, so the term Police Commissioner should be made as Village President or Police Committee. He further stated that a commission form would put the Village into a Division One section. President Peterson gave his written General Order #25 to Village Attorney Steele for the correct wording. President Peterson stated that he had reviewed this order with Officer Carr. The Board agreed to have the order prepared for the next regular meeting in December.

Village Attorney Steele reported that the federal lawsuit against Wade R. Murphy as Village Police Chief by Christopher J. Dilts had been dropped, because an apology was made by Wade R. Murphy to the complainant. Attorney Steele did state that the complainant does have the right to reinstate the suit.

President Peterson recommended that the Village's Police Department use the camera on the squad for any stops by the department. The Board agreed that the camera be used. Attorney Steele said that a written notation should be made by the police. Trustee Ryner questioned how long the tapes should be retained. Officer Carr stated that the Village has seven tapes which could last an estimated three weeks depending on how aggressive the officers are. Attorney Steele recommended twelve tapes be available to the department. Officer Carr stated that the States Attorney relies on the tapes, and Attorney Steele said that he feels there is a need to keep them on file. The Board agreed to have Officer Carr purchase six more tapes for the camera.

The Board agreed to look into more part time officers, and Officer Carr stated that he has someone, a retired police chief, that is interested. The Board asked Officer Carr to get this information on the Officer prior to the December meeting and have him turn in a resume with his training.

President Peterson stated that Tom Whiting had completed the sidewalk work and the ditch work, and the maintenance department will be filling in the sidewalk areas with dirt.

President Peterson reviewed the three resumes the Village received for a part time maintenance person. They were Tim DeShane, Jim Young, and Wesley Biffany, and all were from New Windsor. President Peterson stated that Ralph Morrow was the only one working maintenance at this time, and that Richard Bland is still having health problems. President Peterson recommended hiring Jim Young for the maintenance position.

Motion by Schmitt, second by Kness to hire Jim Young @ \$6.75 per hour as a part time maintenance person effective immediately. Roll call votes: Trout – aye, Austin – aye, Ryner – aye, Molburg – aye, Schmitt – aye, and Kness – aye. All votes were in favor, and the motion was carried. The Board agreed that Mr. Young should get his CDL license for the truck use, and to send letters of appreciation to the other applicants stating that the Village may need more personnel at a later date.

President Peterson reported that the water is off at the Ball Park, the new monument in the Depot Park will be unmasked Friday at 5 P.M., and that Trustee Schmitt will be checking into the four lights that the Depot Committee is requesting.

Motion by Kness, second by Schmitt to donate \$50 to the New Windsor Christmas Walk that will be December 9, 2005. Roll call votes: Kness – aye, Schmitt – aye, Ryner – aye, Trout – aye, Austin – aye, and Molburg – aye. All votes were in favor, and the motion was carried.

President Peterson stated that the Christmas lights will be put up, and he will contact Robert Rigg for use of his truck and bucket to get the lights up.

The Board agreed to have Missman, Stanley and Associates Engineers check on the truck access route program for the Village.

President Peterson reported that the hydrant by Tomlinson's at North Seventh Avenue is to be fixed with assistance by Tony's Plumbing, the Village has received a letter concerning requirements by OSHA on the water tower and the Watertower Paint and Repair Company is looking into the costs and requirements, the Village's hydrants are to be flushed this month, and the NIMS water emergency plan is done and on file.

President Peterson stated that he is preparing the NIMS program emergencies response, and there will be meetings in the Village to prepare the program. President Peterson stated that he and Fire Chief Larry Roberts went to a meeting in Aledo on the NIMS program, and the Village is one year ahead of everyone else in the program. He also stated that the Village's resolution was sent to the County, and it was the first one the County received. Also, he stated that there will be training and grants on the internet, and recommended that the Village look into having the internet in the Village Hall.

Motion by Kness, second by Ryner to accept the Village's Audit for the May 1, 2004 through April 30, 2005 fiscal year. Roll call votes: Trout – aye, Molburg – aye, Austin – aye, Ryner – aye, Kness – aye, and Schmitt – aye. All votes were in favor, and the motion was carried.

President Peterson informed the Board about the IEPA letter on the drainage problem areas stating that they rejected the Village's plan of action. Village Attorney Steele updated that Board on the situation, and that he had tried to call the IEPA last week. Attorney Steele stated that he will call again, but that when he had first talked to Kathy Siders of the IEPA, she had said to send a plan and that would be fine. He had sent the letter outlining the Village's plan, but now the Village has received the letter rejecting the plan.

President Peterson updated the Board on the drainage problems and his contact with the Mercer County Health Department. The Board agreed to have Attorney Steele contact the IEPA, Kathy Siders, on the matter. President Peterson recommended having the Village hire an engineering firm to look at the problems.

Motion by Kness, second Schmitt to hire and retain Missman Stanley, and Associates Engineers to look into the drainage problem areas (sewer discharge on the ground). Roll call votes: Kness – aye, Schmitt – aye, Austin – aye, Ryner – aye, Trout – aye, and Molburg – aye. All votes were in favor, and the motion was carried.

Motion by Schmitt, second by Kness to donate \$25 to Operation Santa through Sherrard High School. Roll call votes: Trout – aye, Ryner – aye, Schmitt – aye, Kness – aye, Molburg – aye, and Austin – aye. All votes were in favor, and the motion was carried.

Motion by Kness. Second by Schmitt to authorize the October 2005 bills. Roll call votes: Schmitt – aye, Kness – aye, Austin – aye, Ryner – aye, Molburg – aye, and Trout – aye. All votes were in favor, and the motion was carried.

Motion by Schmitt to adjourn, second by all. Voice Votes: all votes were in favor, and the motion was carried. Meeting adjourned.

Claudine D. Johnson, Clerk