

NOVEMBER 5, 2007  
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, Dillbeck, Kness, Peterson, and Johnson. Absent: Molburg.

Motion by Schmitt, second by Kness to approve the October 1, 2007 regular meeting minutes. Roll call votes: Dillbeck – aye, Schmitt – aye, Kness – aye, and Austin – aye. All votes were in favor, and the motion was carried.

President Peterson nominated Stacey Gregory to fill the trustee vacancy from the April 2007 election. Motion by Kness, second by Schmitt to accept the nomination of Stacey Gregory as trustee, 2 year term, to fill the trustee vacancy. Roll call votes: Schmitt – aye, Dillbeck – aye, Austin – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Village Clerk Johnson swore Stacey Gregory in as trustee.

Police Chief Brendal presented the October 2007 police report. He reported 45,908 miles on the squad, squad repair work was done, grant paperwork was sent in for a new squad and video camera system, no problems during Halloween, there was a burglary at the Car Wash, the bars are complying with the closing hours, violations are being taken care of, one case found guilty and will serve time, and pictures were taken of weeds/grass at 300 Eleventh Avenue and sent to Attorney Steele.

President Peterson reported to the Board that there has been no grant funds available for a generator. The Board agreed to keep the information on hand about the generators, and lease a generator this year if it is necessary.

President Peterson named the committees.

Village Attorney Steele reported that Mr. Reddick had not contacted him concerning the broken tile on his property, and President Peterson stated that no one has contacted him either about the problem. Village Attorney Steele stated that the problem is on Mr. Reddick's property and not a Village tile, and there is no proof that it is a Village tile. The Board has received no complaints from adjoining landowners on the matter.

President Peterson reviewed the sewer project in its beginning stages, with the state saying that it is in the designing stages, but no report had been made by engineer John Roegiers of Missman, Stanley and Associates. Also, President Peterson reported that the income survey is being done, and that he had checked on prices per acre of land in the area and found prices to be around \$6,000 on up per acre.

President Peterson reported that the new Ball Park fence was in, and the no dogs, no alcohol signs were up in all parks, but the posts were not used.

President Peterson reported that the Sesquicentennial Committee is making a time capsule that will be sealed in a vault and placed in the Depot Park where the old well is with a lid to be made, and the capsule sealed this spring.

The Board acknowledged that the Main Street sidewalk would be done next spring.

President Peterson reported that the maintenance department is getting ready for winter and will be placing the snow fences up and preparing the snow plow.

Village Attorney Steele stated that he had checked with Crapnell Surveying on the pins that were to be placed on Mercer Street. Attorney Steele found that the surveyor did not pin correctly the east end of Mercer Street, and the Village will put in two pins at a cost of \$75, and Chris Ralsten, property owner at the east edge of Mercer Street, will also be using Crapnell Surveying for his three pins that he needs for his property boundaries. Village Attorney Steele stated that then Mercer Street will all be pinned.

Motion by Dillbeck, second by Schmitt to hire Crapnell Land Surveying Company to place two more pins on the Village's property on Mercer Street. Roll call votes: Kness – aye, Austin – aye, Schmitt – aye, Dillbeck – aye, and Gregory – aye. All votes were in favor, and the motion was carried.

Motion by Kness, second by Schmitt to accept the audit report FY May 1, 2006 through April 30, 2007 from Blucker, Kneer and Associates. Roll call votes: Dillbeck – aye, Kness – aye, Schmitt – aye, Austin – aye, and Gregory – aye. All votes were in favor, and the motion was carried.

The Board agreed to have the fence along the Maintenance Building taken down per the request by the New Windsor Fair and Rodeo Association and put the previous Ball Park fence that was just removed on the borderline.

President Peterson reported that the gas tanks were in place and ready to receive fuel, but the maintenance department still needs to register the tanks with the state and get a report back.

Motion by Kness, second by Austin to have Woodhull Oil Company fill the maintenance tanks, one with diesel fuel and one with gas. Roll call votes: Dillbeck – aye, Schmitt – aye, Gregory – aye, Kness – aye, and Austin – aye. All votes were in favor, and the motion was carried.

The Board stated that the maintenance department make a chart for the fuel, and get the wire run to the tanks, but wait until the Fire Marshall approves, and have Woodhull Oil send a ticket with the amount and cost and date.

Monica and Charles David present. Their first concern was the sewer project and costs to residents. The Board stated that they do not know any costs yet. The David's next concern was the vandalism done to their house (a broken-out window) and problems with their neighbors. Monica David stated that they have a 20' restraining order on him (the neighbor), but there are still problems, and she wants something done, because the police won't do anything about it and Mercer County doesn't show up, and she also has called the State Police, but he doesn't show up either. Village Attorney Steele stated that they can get a restraining order and call the police, and on the vandalism, they should contact the State's Attorney and call the Sheriff or New Windsor Police for the evidence. Attorney Steele told them that the State's Attorney handles the criminal violations, but the civil division would be the conflicts between individuals which would include the restraining (a court order), but they would have to have proof to go to court and pictures cannot be from a digital camera. President Peterson stated that he would talk to Police Chief Brendal, and that if damage is done to their property they should contact the police department or Mercer County Sheriff's Department to file a report on all these matters. President Peterson also stated that it would help them to

document the problem with the date and time that it happens, item per item, and give to the police department, and that if it doesn't go to the police, they could give it to him. Village Attorney Steele stated that it is a civil matter when it is between neighbors, not a Village matter, but they can call the police, but they can't go to court for them, the State's Attorney has to prove.

The Davids also asked about a privacy fence, and President Peterson informed them to contact the Village's Zoning Officer.

President Peterson reminded the Davids that they had been taken to court by the Village and found guilty and still owe the Village money on the judgment. Monica David stated that she is working, but that Charles David was not. Attorney Steele stated that Mr. David has contacted him about the fines and fees. The Board agreed to not let this slide, but that the Davids had until the end of the year to make their payment

President Peterson stated that he would check with Chief Brendal to document the Davids' complaints and will have him talk to them. President Peterson stated that the Village will try to help them out, but they have to help themselves out (concerning the judgment and fines). Monica David stated that she will try to pay by the first of the year. Attorney Steele thought the fines were in the amount of \$1500.

Village Attorney Steele stated that he would give the Village his son's (Josh) jacket and vest, with the Village mainly using the vest for the police department. His only request was that the vest stay in the Village and not go to any officer. The Board graciously thanked Attorney Steele for his generous offer, and the donation would be totally up to him. Chief Brendal stated that the department could use the vest, but not the jacket.

Attorney Steele reported that the administrative tickets are not being used by most villages, even though any village can adopt these, they must have a code hearing department with a hearing officer who is formally trained, and this hearing officer must have been an attorney for three years. Attorney Steele stated that he did not think a village could do that due to these requirements. The Board noted that Chief Brendal has not used the administrative ticket, and that he does go through the court system.

Motion by Schmitt, second by Kness to authorize the October bills. Roll call votes: Austin – aye, Gregory – aye, Kness – aye, Dillbeck – aye, and Schmitt – aye. All votes were in favor, and the motion was carried.

Motion by Schmitt to adjourn, second by Kness. Voice Vote: all votes were in favor, and the motion was carried. The meeting was adjourned.

Claudine D. Johnson, Village Clerk