

NOVEMBER 1, 2010
REGULAR BOARD MEETING
7 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: James, T. Gibeau, Kness, Peterson, and Johnson. Absent: Dillbeck and Gregory.

Motion by Kness, second by Gibeau to accept the October 4, 2010 Regular Meeting Minutes and the Closed Session Minutes. Roll call votes: Kness – aye, Gibeau – aye, and James – aye. All votes were in favor, and the motion was carried.

Motion by Kness, second by Gibeau to accept the resignation of Ralph Smith as trustee. Roll call votes: James – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Motion by Gibeau, second by Kness to accept President Peterson's nomination of Duaine "Chip" Schmitt as Trustee to fill the Ralph Smith vacancy. Roll call votes: Gibeau – aye, Kness – aye, and James – aye.

Village Clerk Johnson swore in Mr. Schmitt as trustee.

President Peterson presented Dean Friichtenicht as "semi" retiring Water Department meter reader and assistant. President Peterson and the Board presented Mr. Friichtenicht a Certificate of Appreciation for his 41 years of service to the Village's Water Department and a \$50 gift Certificate to the Depot restaurant. Mr. Friichtenicht thanked the Board and stated that he would help out when needed.

Motion by Gibeau, second by James to accept the Fiscal Year Audit Report. Schmitt – aye, Kness – aye, Gibeau – aye, and James – aye. All votes were in favor, and the motion was carried.

Motion by Kness, second by Gibeau to pass Resolution #2 Series 2010 Fund Balance and Reserve Police for the Village. Roll call votes: James – aye, Gibeau – aye, Schmitt – aye, and Kness – aye. All votes were in favor, and the motion was carried.

President Peterson reported that the water main break will be fixed by Tony's Plumbing this week. President Peterson stated that he is checking with Bi-State on any funds available for valves and mains.

Motion by Schmitt, second by Gibeau to pass Ordinance #7, Series 2010, and Ordinance Amending the Water Ordinance to have water bills charged every two months instead of quarterly beginning January 2011. Roll call votes: Kness – aye, Schmitt – aye, James – aye, and Gibeau – aye. All votes were in favor, and the motion was carried.

President Peterson stated that Steve Brooks will be the new water meter reader as well as help out the maintenance department.

President Peterson stated that the maintenance department will be patching streets.

Motion by Schmitt, second by Gibeau to donate \$30 (as requested by the Depot Park Committee) for the 2010 Christmas Walk. Roll call votes: James – aye, Gibeau – aye, Kness – aye, and Schmitt – aye. All votes were in favor, and the motion was carried.

Motion by Kness, second by Schmitt to accept Clayton Brendal's resignation as police chief. Roll call votes: Gibeau – aye, Kness – aye, Schmitt – aye, and James – aye. All votes were in favor, and the motion was carried.

President Peterson reported that the Village had two applicants for the Police Chief position, and that both will be coming to this meeting.

Acting Chief Brendal presented the October Police Report. He reported 90,376 miles on the squad, two dogs had been taken care of, the squad needed minor repairs and the parts are in, and he will take the squad to the County, because they have two squads also having repairs done, there are two applicants for the police chief position who have completed questionnaires and are two qualified candidates, but he would not make a recommendation, he did do a background check on both and neither had any criminal history, both had good things said about them, and Brendal will leave the matter in the Board's hands.

President Peterson reported that the two applicants for the Police Chief position were Carl Stotts and Bill Engle. Mr. Stotts will be moving to New Windsor and Mr. Engle is a part time officer for the Village.

Motion by Gibeau, second by Schmitt to go into Closed Session due to personnel reasons. Roll call votes: Schmitt – aye, James – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the motion was carried. The meeting was closed at 7:37 P.M.

**** CLOSED SESSION****

The meeting was again opened at 7:52 P.M.

Mr. Carl Stotts and Mr. Bill Engle were present.

President Peterson stated that this was a very difficult decision, but with the advice and consent of the Village Board, Mr. Peterson appointed Carl Stotts as the new Village Police Chief. President Peterson stated that the Village would like to keep Mr. Engle on as an Officer with the offer of a \$1.00 per hour raise to \$13.00 per hour.

President Peterson stated that the Police Chief position has an annual salary of \$24,000 paid semi-monthly with extra pay for insurance in the amount of \$300 per month.

Motion by Gibeau, second by James to accept the appointments of Carl Stotts as the Village's Police Chief at \$24,000 per year and keep Officer Engle. Roll call votes: Schmitt – aye, James – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Mr. Carl Stotts declined the extra pay for insurance, because he has his own.

Motion by Gibeau, second by Schmitt to raise Officer Engle's salary to \$13 per hour. Roll call votes: Kness – aye, Gibeau – aye, James, and Schmitt. All votes were in favor, and the motion was carried.

Village Attorney Steele stated that Mr. Stotts is an at will employee and must work at least 40 hours per week as a full time employee.

Clayton Brendal thanked the Board and stated that he had sold his house in Viola and was looking for property around the New Windsor area, because his response time to Woodhull had to be 10 – 15 minutes. Mr. Brendal stated that he was willing to help Chief Stotts with the Village's Police Chief position.

President Peterson asked Chief Stotts to come to the Hall tomorrow to fill out the necessary forms. Mr. Brendal stated he had made a schedule for the month, and that the roster included Bill Engle, Gordon Nichols, and Shawn Meier.

Chief Stotts asked for a letter stating that he has a job with the Village and his salary for purchasing his residence in New Windsor. President Peterson agreed to sign this letter.

President Peterson reviewed the Contract Funding LLC property on Main Street and the liens for mowing and water, and he reviewed the situation on the Monica Peters/Frank Bearce property next door on Main Street. Village Attorney Steele stated that the water should remain shut off until requirements are met.

Village Attorney Steele stated that the motion had been filed and court was set for this Thursday, but it has been continued by the Judge due to the Contract Funding Attorney having to be out of town due to a medical emergency (his 90 year old mother in Florida).

President Peterson stated that the Peters/Bearce property had stopped the sump pump, there was no use of the ditch in front of the house, and President Peterson and the maintenance department checked the ditch to make sure it worked, but there was water in the back. Village Attorney Steele stated that Peters/Bearce had sent the same letter about insurance to Contract Funding LLC. Village Attorney Steele stated that the attorney for Contract Funding LLC asked what can be done to get this matter taken care of. President Peterson and the Board stated that the Village wants a complete release and the amount of money, but feels that this deal is off the table. Village Attorney Steele asked what would the Village say on the matter now? The Board stated that it is not liable, and a complete release of liability plus payment of \$2,000 - \$7,000.

Village Attorney Steele stated that the 48 hr. notice on the Kagee property was done for mowing, but the records the Village has shows that the mowing was done prior to notice. Village Attorney Steele stated that the Village should drop this one due to the date mix up.

The Board agreed that from now on, separate time sheets must be used for these mowings, and the 48 hour notice must be obeyed.

President Peterson reported on two dogs at South Seventh Avenue that seem to be neglected and jump out from their house, and Matt Robinson is the owner. President Peterson further stated that one of the dogs has killed another dog, but Mercer County did not handle the case, because they didn't know which dog had done it. President Peterson said the dogs were out again, but Mercer County said they won't respond, and three strikes against the dogs are needed. President Peterson called Acting Chief Brendal, and he came, and tickets were issued against the dogs. President Peterson stated that Mercer County has told the Robinsons' that they cannot leave the dogs out, and they have to be quarantined, but have not been deemed vicious yet. The Board agreed to send the tickets to Village Attorney Steele if they are not paid.

President Peterson updated Trustee Schmitt on the sewer project.

Motion by Kness, second by Schmitt to authorize the October 2010 bills. Roll call votes: Schmitt – aye, James – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the motion was carried.

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

