

APRIL 1, 2013

REGULAR 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: Loving, Trout (7:08 P.M.), Schmitt, Kness, Peterson, and Johnson. Absent: Gibeau.

Motion by Kness, second by Schmitt to accept the March 4, 2013 regular meeting minutes. Roll call votes: Loving – aye, Schmitt – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Joe and Sara Ryner present concerning their neighbor's barking dogs. They complained that the dogs bark loud and bother their daughter who has headaches. Joe Adams present as owner of the dogs complained that Chief Stotts had notified him on Sunday at 10 A.M. concerning his barking dogs and had told him to put the dogs away. Joe Adams complained that the Ryner's dog and their children cause his dogs to bark, and that his dogs are usually inside the house. Mr. & Mrs. Ryner stated that the dogs bark at them. President Peterson stated that the Village does have a nuisance ordinance, but this is a case of a civil matter between two neighbors, and not a Village Board matter. President Peterson asked the neighbors to work this problem out. Mr. Adams stated that he does not let his dogs outside. Chief Stotts stated that the dogs were out on that Sunday. Mr. Adams stated that his girlfriend was there at his house with the dogs. Mr. Adams left the meeting, and President Peterson instructed Chief Stotts to talk to Mr. Adams. Mr. Adams returned to the meeting and complained about dog residue and garden residue put on his property by the Ryners, and he asked them not to do this. Sara Ryner stated that they will make sure that their family does not do this. Village Attorney Steele stated that this is a civil matter, unless it develops into an ordinance violation over a period of time.

Police Chief Stotts presented the Police report for March 2013. He reported 68 calls for service, 6 tickets, 14 warnings, 1 no license plate light, 128,354 miles on the old squad, and the Durango squad has 80,931 miles. Chief Stotts stated that his contract is up, that he will be attending a class on violence against women, and requested money for his meals. He reported that the old squad had an oil change, needed a sway bar, and work on the cooler line as soon as possible, plus 4 new tires before winter. He also had a meeting at Cozy Haven concerning a complaint on drugs, but that was worked out with no drug problems going on.

Motion by Schmitt, second by Trout to renew the Police Chief contract for two years at a raise of 2%, 1% each year beginning with the new contract signed. Roll call votes: Loving – aye, Kness – aye, Schmitt – aye, and Trout – aye. All votes were in favor, and the motion was carried.

Village Attorney Steele reported on the liability of the Taser use, and stated that verbal warning must be given, the officer should look for a secondary injury, the officer must be certified for Taser use,

and the officer must use common sense when using the Taser or gun, He stated that the Taser company is not liable and read information concerning the matter. Chief Stotts stated that the Taser has a computer on it and can be printed out on its use. Attorney Steele repeated that only certified officers can use the Taser. Chief Stotts stated that the Taser is locked up, and that Officer Davison is certified. Chief Stotts stated that the use of the Taser is for imminent danger or a serious offense, harm, or injury.

Chief Stotts reported that the old squad needs repairs, and the cost to remove the police equipment would cost \$500. The Board agreed that the old squad would still need the repairs, even if it was to be sold. The Board agreed to the repairs and asked Chief Stotts to spread the usage between both vehicles.

Motion by Trout, Second by Schmitt to repair the old squad car except for 4 new tires. Roll call votes: Schmitt – aye, Kness – aye, Trout – aye, and Loving – aye. All votes were in favor, and the motion was carried.

The Board agreed to place a notice in the New Windsor Advertiser about cleaning up debris, fire violation with fire/burning hours, and vehicle violations.

The Board agreed that the two certified officers, Chief Stotts and Officer Davison, will use the Taser for imminent danger or fleeing from a serious offense.

Motion by Kness. Second by Schmitt to place the Taser policy (28) in the Police Policy. Roll call votes: Schmitt – aye, Kness – aye, Loving – aye, and Trout – aye. All votes were in favor, and the motion was carried.

President Peterson reported on the 705 Main Street (Eric Jones) waterline break on the street.

President Peterson stated that Eric Jones admitted that he had snagged the line, and Water Supt Johnson was there, Tony's plumbing assisted with the repair, Tom Whiting helped with the backhoe, maintenance helped, and President Peterson was there. President Peterson stated that the repair was done and all is fine, and he met with Eric Jones at the Village Hall to tell him that he had caused the problem, and he was responsible for the cost of repair. Mr. Jones admitted that he caused the problem, and he would pay a portion of the bills. President Peterson stated that Eric Jones used his own backhoe and rock to help with repairs. Attorney Steele stated that since Eric Jones admitted he snagged the line, he is liable for the cost of repair and should pay 100% of the damage. Attorney Steele said the Mr. Jones; insurance should cover the cost. President Peterson stated that Eric Jones said that if the cost of repair is too large, he will take the matter to court.

President Peterson reported that he had a call from Martin Allen on the PDC/Landtech clean up for the gas leak at the Standard Station. President Peterson said that Greg Hanson of Landtech was dealing with the EPA on drilling holes or use of previous drilled holes to have air flushed back to the Station tanks, then the EPA shut it down, but the EPA wanted a limited release by ordinance.

President Peterson reported that the Village's engineers from Missman had done bore testing with the sewer project, and all had come back o.k., but Scott Kammerman did not think there was a big problem, with very minimal sewer digging on problems further on.

Village Attorney Steele stated that there is money in a super fund for the EPA, but the EPA does not want to release these funds. President Peterson stated that the engineer from Lantech was supposed to come to this meeting, but was not here. He stated that the problem is the engineer has not been paid and doesn't want an ordinance, so they can get paid from the EPA super fund, and the Village would have to decide to turn it down or not. Attorney Steele said the EPA wants to walk away, and Landtech has now come to the Board. President Peterson asked Attorney Steele to contact Scott Kammerman, Village engineer, who would take on the project to clean up and gas problems. Attorney Steele stated it is now or never for the EPA super fund, and the Village does not know how big it would be to clean up or the cost of the cleanup.

President Peterson said that he did talk to Scott Kammerman on the Village's sewer issues and the USDA. President Peterson stated that Mr. Kammerman is working on it, and has a better idea on what the USDA wants. President Peterson asked Mr. Kammerman to give the Village and Attorney Steele e-mails that he does with the USDA;

President Peterson reported that the maintenance department found that the tractor brakes would cost \$2,500 from Birkey's, and the cost of a new tractor is too much.

Motion by Schmitt, second by Kness to have the maintenance tractor's brakes fixed at a cost of \$2,500 by Birkey's. Roll call votes: Loving – aye, Trout – aye, Kness – aye, Schmitt – aye. All votes were in favor, and the motion was carried.

The Board agreed to have the Village's maintenance department do the monthly check on the generators for the Fire Department and Village.

President Peterson reported that Richard Bland, Maintenance Supt., has indicated that he plans to retire, but would work until next winter. President Peterson said that the Village needs someone to move into the position, and that Steve Brooks has stated he would do it. President Peterson said that Jack Cooper would do the mowing, and Steve Brooks could learn from Mr. Bland what is done so there would be a smooth transition.

The Board agreed to test the weather siren every Tuesday at 10 A.M. if agreeable with the Fire Department, Scott Frenell Fire Chief.

President Peterson reported that the north side of the Village is due for M.F.T. oiling and shipping, but that there are some bad spots on the south side, too. He will check with Missman engineers on the MFT project.

President Peterson stated that all departments of the Village must use a request form for purchasing items.

Chief Stotts stated that April 23 – 26 he will be attending a class at no cost to the Village, but requested money for meals.

Motion by Schmitt, second by Kness to provide \$25 per day for meals for the four day class at a total of \$100. Roll call votes: Trout – aye, Kness – aye, Loving – aye, and Schmitt – aye.

Village Attorney Steele stated that the Village needs to update the Zoning Ordinance, and it has no provision for storage units. The Board tabled the matter until next month.

Village Clerk Johnson reminded all to fill out and send their Economic Interest Statements in to the Mercer County Clerk.

Village Clerk Johnson reminded all of the Election on April 9, 2013.

Motion by Trout, second by Kness to agree to the Bi-State Regional Commission By Law changes. Roll call votes: Kness – aye, Schmitt – aye, Trout – aye, and Loving – aye. All votes were in favor, and the motion was carried.

Motion by Kness, second by Schmitt to authorize the March 2013 bills. Roll call votes: Loving – aye, Trout – aye, Schmitt – aye, and Kness – aye. All votes were in favor, and the motion was carried.

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

Claudine D. Johnson, Village Clerk