

REGULAR MEETING

AUGUST 4, 2014

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, Schmitt, Gibeau, Kness, Peterson, and Johnson. Absent: none.

Motion by Schmitt, second by Gibeau to accept the July 7, 2014 Budget and Appropriations Public Hearing and the Regular Meeting. Roll call votes: Loving – aye, Trout –aye, Schmitt – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the motion was carried.

Scott Frenell present on behalf of the New Windsor Fire Department. He stated that the 10 A.M. weather siren test on Tuesdays does not work for the firemen, and that the Village needs to set dates when publishing the weather siren test. He also stated that the ad should state that the siren is set off during warnings for bad weather, The Board agreed to have an ad put in stating that.

Jane Godsil present concerning the complaint she received on her yard that had junk lawn mowers and trash in it. She stated that the lawn mowers all work, and that she was notified at 6:30 A.M. by a knock on her door. She also stated that the mowers are worked on by her husband and then sold. The complaint was not signed or dated. President Peterson stated that she is now in compliance, and asked Chief Stotts to make sure the complaints are dated and have his signature. Village Attorney Steele stated that there is no law that states that the one who complained is stated.

President Peterson stated that Walton Tree Service is back on the tree program, and the Village needs to get a bid to finish Ferguson's stump removal.

President Peterson reported that the street patching is almost done and new rock was put on north Fifth Avenue due to oil bleeding through. He stated that Sixth Avenue and Main Street was cleaned, and Kovacics extended their tube and put in rock in their alley.

President Peterson reported that Cheri Lasek's driveway was done and moved to their backyard, so there is no need for a sign.

President Peterson stated that Jan Hawk's culvert was plugged, and was the cause of the water flooding on her property. He stated that the old tubes of clay were torn out and replaced and the culvert was cleaned out (the clog was from her yard) so now water will run into ditch and tube. Trustee Schmitt stated that he would tell her.

President Peterson reported that the yard on 504 Walnut Street owned by Michael Chezum is an eyesore and neighbors are complaining on the safety of the house, and the neighbors do not see

anything getting done. President Peterson asked Police Chief Stotts to take pictures of the property and send to Attorney Steele.

President Peterson also asked Chief Stotts and Attorney Steele to follow up on the Crawford house at the corner of Franklin Street and south Third Avenue for mowing.

Motion by Kness, second by Gibeau to hire Rod McCaw to mow the Crawford property and have a lien put on it in the amount of \$275.00. Roll call votes: Kness – aye, Gibeau – aye, Loving – aye, Trout – aye, and Schmitt – aye.

The motion was carried.

President Peterson stated that the Village's hydrants will be flushed, and that the dates will be coordinated by Water Superintendent Johnson.

Motion by Schmitt, second by Kness to place an ad in the New Windsor Advertiser stating the dates the flushing will take place. Roll call votes: Trout – aye, Schmitt – aye, Kness – aye, Loving – aye, and Gibeau – aye. All votes were in favor, and the motion was carried.

Motion by Schmitt, second by Gibeau to pass Ordinance Number 8, Series 2014, the Tax Levy. Roll Call votes: Loving – aye, Kness – aye, Schmitt – aye, Gibeau – aye, and Trout – aye. All votes were in favor, and the motion was carried.

President Peterson stated that Martin Allen of Allen's Service and Greg Hanson of Land Tech have requested their demolition/excavation fees returned to them.

Motion by Schmitt, second by Kness to return the demolition/excavation fees to Martin Allen and Land Tech if all inspections of the project are satisfactory and a written statement is received by Zach Devlin stating that the inspections are complete and in compliance. Roll call votes: Trout – aye, Gibeau – aye, Kness – aye, Schmitt – aye, and Loving – aye. All votes were in favor, and the motion was carried.

The Board agreed to not contract with the Mercer County Animal Control.

Motion by Schmitt, second by Gibeau to accept Ordinance Number 9, Series 2014 for a Special Use permit for Kelly Brooks to have an apartment her building. Roll call votes: Schmitt – aye, Gibeau – aye, Kness – aye, Trout – aye, and Loving – aye. All votes were in favor, and the motion was carried.

Sheila Shull present requesting and extension of the culvert at her new storage unit building on West Main Street and South Seventh Avenue. The Board stated that if a resident adds to an existing culvert, the property owner pays for the extension. Village Attorney Steele stated that if there is a tube there, she may think a 15' tube with its width is not sufficient. The Board agreed to look at the area and make a ruling on the size and footage. The Board tabled any action until the September meeting after the area has been checked.

President Peterson also stated that there are two more tubes to be checked. He stated that there is one at North Sixth and Mulberry (Scott Frenell) that needs to be cleaned out, and one at South Fourth Avenue and Sycamore Street that has a hole in the tube that is also very old (Cletus Devlin). The Board stated that these will be checked.

President Peterson reported that the USDA needed a specific time frame and the deadline for the surveys to be in passed without receiving enough correctly completed surveys. He stated that in the process 51% must meet the low to moderate income status for a sewer rate of an estimated \$57.00 and an interest rate of 2.3%, but the community did not respond very heavily, even though the sewer is coming. He reported that the federal government will make a higher interest rate, and the Village could receive \$2,000,000 that would be put up and bonds with the USDA buying them at the total of \$5,000,000. President Peterson continued saying that the other deadline is for the \$450,000 CDAP Grant that requires a survey, and that those funds would assist the low to moderate income residents with assistance in putting their sewer up to an amount of \$3,500. He said that right now the Village has ninety nine surveys and needs two hundred thirty –five with one hundred twenty-one of those being the low to moderate income. President Peterson stated that the responses he was getting was that residents don't want a sewer so they won't return the survey, or their survey won't make a difference, or as long as he was Village President they would never fill out the survey. President Peterson stated that he was angry at these comments made, but wanted the Village to have the necessary surveys to get the grant. Therefore, effective at the conclusion of this meeting, he stated that he would resign and leave the community to the next Village president

Village Attorney Steele stated that under the State's statute, the vacancy must be filled by the Board, and that a Special Meeting is necessary within twenty – four hours of notice so an acting president can be elected by the Board. The Board posted the notice on the Village Hall door, that a Special Meeting will be held August 5, 2014 at the Village Hall beginning at 8 P.M. for the purpose of the Village Board to elect an acting Village President.

President Peterson stated that now people can fill out their surveys without blaming him, when he was just trying to get them help with their sewer cost.

Police Chief Stotts presented the July 2014 police report. He reported 115 calls for service, 12 warnings, tickets issued, 2 arrests, 1 attempted murder, 139,909 miles on the Impala squad and 92,056 miles on the Durango squad. He also reported that there is a school on homicide investigations that he can attend with Mercer County October 13 through the 15, 2014 at a cost of \$400 plus meals, but the deadline at that price is August 14, 2014 to register. The Board took no action.

Police Chief Stotts asked the Board for reimbursement of his shoes at a cost of \$99, even though the policy stated that the officers must pay for their own shoes. The board said they would look at the policy.

President Peterson said he received information on the cost of new or used squads.

The Police Committee reported on their meeting, and said that they had read the police policy, but did not change anything.

Motion by Schmitt, second by Kness to go into closed session for the purpose of employee personnel. Roll call votes: Loving – aye, Trout – aye, Schmitt – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the meeting went into closed session.

CLOSED SESSION 8:05 P.M.

The Village Board opened the meeting at 8:20 P.M. The Board agreed to have a 5 minute break. The Board continued the meeting at 8:25 P.M.

Chief Stotts reported that Part Time Police Officer Sam Holman will resign the last day of August 2014, due to his new employment with Knox County.

Sara Ryner presented a complaint letter to President Peterson concerning Chief Stotts having a conversation with Henry Wallace, Presbyterian Church janitor and Ola Robb, Presbyterian secretary concerning the Church's prayer request for Tom Whiting by her son. President Peterson stated that on Sunday, a prayer session for Tommy Whiting was held at the Presbyterian Church, and that churches have the right to pray for anyone. He stated that a church board member, Russell Robb, approached him, and had also called the Village Hall and was quite abrupt with Village Clerk Johnson. President Peterson stated that he called Mr. Robb, and then after trying to communicate by telephone with Mr. Robb was able to reach him and had him come to President Peterson's home, where the two sat down to discuss the incident that Chief Stotts had approached Mr. Wallace and Mrs. Robb about the prayer. President Peterson stated that no one set out to harm anyone or prosecute someone, and that Chief Stotts just wanted a conversation, and that after Chief Stotts had left the church property, there were two different opinions. President Peterson stated that he believes the intention of Chief Stotts was to get the correct story out about an incident. President Peterson stated that Mrs. Ryner had called him concerned that her son would be persecuted by the Police Chief. He also said that the Lutheran Church's pastor had called him concerned about the police department and referred them to another type of vicious people. President Peterson stated that he was concerned that this matter is tearing the community apart with misinterpretation from what a person perceives from what they see, hear, or are told. He said people need the facts, and the Board has to do what is best for the Village, and in this case, the Board, the Police Department, and he cannot talk about the case that is ongoing.

Sheila Shull asked the Board how to make a complaint, and was told to make a hand written statement, notarize it, and place it on file with the Village. She questioned the complaint being notarized, and the Board stated that this verifies that the person signing it is stating that it is their complaint, and a false statement/slander against a person may be placed in evidence, but not factual. Ms. Shull says she feels bullied, and President Peterson told her to follow the process of writing out her complaint and having notarized, and present it to the Village.

President Peterson reported on having the emergency program survey sent out, and the New Windsor Firemen assisting with handing out surveys that had not been returned. President Peterson said that Chief Scott Frenell had four trucks go to each quadrant, and they collected 15 responses. President Peterson requested that the Fire Department be compensated by a donation of \$150 for their four hours of assistance.

Motion by Schmitt, second by Kness to donate \$150 to the New Windsor Fire Department for assisting in the handing out and collecting surveys. Roll call votes: Kness – aye, Schmitt – aye, Trout – aye, Gibeau – aye, and Loving – aye. All votes were in favor, and the motion was carried.

Motion by Schmitt, second by Gibeau to authorize the July 2014 bills. Roll call votes: Loving – aye, Trout – aye, Schmitt – aye, Gibeau – aye, and Kness – aye. All votes were in favor, and the motion was carried.

The Board was reminded of the Special Meeting on August 5, 2014 at 8 P.M. at the Village Hall.

Anthony Johnson, part time police officer, present and told the Board that they can talk to him anytime.

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

Claudine D. Johnson, Village Clerk