7:30 p.m. Mayor Kearns, Trustee Kreher and Trustee Hampton called in sick. Trustee Weber noted Trustee Klein will be acting temporary chairman of the meeting tonight. The regular meeting of the Village Board of Trustees was called to order by Trustee Klein who led the Pledge of Allegiance. A roll call was answered aye by Geppert, Weber, Klein and Hall. Sandy Stolte, Officer Wilson and Lieutenant Buehler were also present.

Trustee Hall made a motion; seconded by Trustee Geppert to pay the audit bills as presented. A vote was answered aye by Geppert, Weber, Hall and Klein.

Michelle noted the liability and workers compensation insurance invoice was received. The total amount is $93,291. Sandy Stolte suggested dividing the payment by four and paying from water, sewer, ambulance and general accounts.

Trustee Weber made a motion; seconded by Trustee Hall to pay the liability and workers comp insurance as presented. A vote was answered aye by Geppert, Weber, Hall and Klein.

Trustee Geppert noted under public safety in the previous minutes a change needs to be made to set the siren to go off. Under Mayors time delete “of the” in the sentence about the open meeting act.

Trustee Geppert made a motion; seconded by Trustee Weber to approve the minutes with the above changes. A vote was answered aye by Geppert, Klein, Hall and Weber.

VISITORS
Dallas Hill arrived at 7:34 p.m. Terry Politsch arrived at 7:42 p.m.

LOCAL IMPROVEMENTS
Trustee Geppert noted Casey’s has started to build.

WATER & SEWER
Nothing new to report

STREETS & ALLEYS
Nothing new to report

CEMETERY
Nothing new to report

PARK
Nothing new to report

PUBLIC SAFETY
Trustee Geppert to schedule a committee meeting with Jake Owens to discuss ambulance wish list.

POLICE
Lieutenant Buehler stated the Marissa Chief invited him, Officer Hamon and Officer Wilson to take part in an active shooter 4 hour training program December 26th at Marissa school. Then the Marissa and New Athens officers walked through the New Athens schools and reviewed copies of plans. Lieutenant Buehler trained the public works guys in blood borne pathogens, which is a yearly requirement. The bids received to repair the Chrysler 300 were from Dennis Auto Sales in the amount of $866.05 and Wetzel’s bid $846.36. Buehler noted the Dodge and Chrysler cars have been taken to Dennis Auto Sales recently and to have some work done and were not charged. Buehler also noted the Chrysler dealer will be using Chrysler parts.

Trustee Geppert made a motion; seconded by Trustee Hall to approve the bid from Dennis Auto Sales in the amount of $866.05 to repair the front end on the Chrysler 300. A vote was answered aye by Geppert, Klein, Hall and Weber.

Lieutenant Buehler took the OC spray instructor certification course on his own time. Officer Wilson should attend the basic investigator course. There would be no cost to the Village for the cost of the course, but they are requesting approval for a part-timer to cover Wilson shifts. The board to vote on at the next meeting.

Officer Wilson would like the board’s permission to let Superior K-9 to check out Bianca and quote a price for
training Bianca with Officer Wilson.

PERSONNEL
The police and public works personnel need to get TB and Hepatitis shots.

GRANTS
Nothing new to report

PUBLIC BUILDINGS
Clean Uniform Company will bring two mats for the multi-purpose center and change out every two months for $24. The dirty mats will have to be brought to the Village hall to be exchanged for clean ones.

Trustee Geppert made a motion; seconded by Trustee Weber to approve Clean Uniform Company to bring two mats for the multi-purpose center every two months for $24. A vote was answered aye by Geppert, Klein, Hall and Weber.

Trustee Weber will be scheduling a meeting.

ORDINANCE REVIEW
The tow fees of $200, $350 and $500 were discussed. Officer Wilson suggested $100, $200 and $350. The board discussed. Lieutenant Buehler needs the amounts voted on so he can give them to Frank Heiligenstein to write the ordinance to vote on at the next meeting.

Trustee Geppert made a motion; seconded by Trustee Hall to approve the tow fees of $100, $200 and $350 and send to Frank Heiligenstein to prepare the ordinance. A vote was answered aye by Klein, Geppert, Hall and Weber.

Lieutenant Buehler gave the board packets on policy changes. The ordinance committee to meet and review.

TREASURERS TIME
Nothing new to report

CLERKS TIME
Michelle noted the next meeting will be Tuesday January 22nd due to Martin Luther King Jr. day.

Michelle read the following and wanted the letter from Mayor Kearns as part of the minutes. “December 18th, 2012, late in the day, I received a letter from Mayor Kearns on Attorney Ehlers letterhead directing me to pay Dallas Hill for all pay that was due him. The board voted as per the Mayor’s recommendation November 13th to put Dallas Hill on unpaid leave. The pay was discussed again at the December 17th meeting with the Mayor and Attorney Ehlers recommending reinstating pay to Dallas Hill to avoid liability. Not one board member made a motion to reinstate Dallas Hill’s pay plus it was not on the agenda to vote on. In fact Trustee Weber asked Attorney Ehlers if there was no action taken then Dallas Hill would stay on unpaid leave. Attorney Ehlers agreed with the statement made. December 19th Mayor Kearns asked if I followed the directive to pay Dallas Hill. I told Mayor Kearns the board did not vote to pay Dallas Hill and suggested a special meeting be held for the board to vote on. Mayor Kearns stated he will take care of it and walked out. Later that morning, Attorney Ehlers called and spoke to me in a threatening /unprofessional manner and stated I could lose my job for insubordination if I did not pay Dallas Hill as per the directive. I have reluctantly issued 2 checks that I have refused to sign. I will continue to not sign these checks unless the board rescinds the prior vote to put Dallas Hill on unpaid administrative leave. I would also like direction as to whether to continue issuing checks. If the direction is to not issue checks I request the members of the board put it in writing addressed to Mayor Kearns, Attorney Ehlers and myself that I will not be terminated.”

Trustee Klein stated he was not at the last meeting but he read the minutes and listened to the tape. It was voted on and it was Mayor Kearns decision to put Hill on unpaid leave. According to Mayor Kearns he found some other information and took it upon himself and Attorney Ehlers to pay Hill. As far as Trustee Klein is concerned we voted to not pay Hill. Trustee Hall stated the right way to handled was to be on the agenda and voted on or called a special meeting with it on the agenda and voted on.
Trustee Hall wanted the following statement as part of the minutes. “If anyone disagrees with any of my facts please let me know immediately, because I am not perfect and I may not have heard everything correctly. On November 5th; New Athens Chief of Police Dallas Hill was arrested and charged with 3 felonies. I want to remind everyone, not convicted; charged. I was not at the board meeting that night. When I returned home on November 8th after a week of being out of state, the next day I listened to the tapes of the November 5th meeting. The Mayor made some good points about due process of law, and innocent until proven guilty and notified the board that he had put Dallas on paid leave, which I believe was the correct thing to do. On November 12th the Mayor called a special board meeting with un-appointing Dallas on the agenda. I don’t know why this couldn’t have waited until the November 19th regular board meeting. At that time, the Mayor then un-appointed Dallas as Chief and strongly urged the board to put Dallas on unpaid leave. Several questions were asked, including two from myself. I asked the Mayor if he had talked to our lawyer. His answer was “yea”. I asked him if we could do this and his answer was “that’s what I was advised to do”. If the Mayor talked to our lawyer or not; I don’t know, but he told the board he did. At this point putting Dallas on unpaid leave concerned me enough that before the board voted I made the statement “I hope were not sticking our foot in a trap!” The vote was taken 6 to 0 to Dallas on unpaid leave. At the November 19th and December 3rd meeting very little, if any discussion was had over any of the Dallas situation. On December 17th regular board meeting Dallas and his attorney were in attendance, also the New Athens Attorney Carla Ehlers was present. This was only the second or third board meeting she has attended since May 2011, and she was not at the November 12th special board meeting. Dallas’s attorney made a statement that the board had put him on unpaid leave without a hearing and without due process. I have heard that before. There were only five members present so the timing could not have been worse. There was nothing on the agenda about putting Dallas back on paid leave, so a legal or binding vote could not have been taken. Both lawyers knew or should have known this to be true. At this point Carla strongly urged the board to take this action tonight and Gary got extremely upset and demanded Michelle put in the minutes that he and Carla both advise the board to take this action immediately or we would be sued. No motion was made and no action was taken. On December 18th the Mayor made a unilateral decision to put Dallas back on paid leave at Lieutenant’s rate. On December 19th Dallas received his pay and back pay. To my knowledge and my attorney’s knowledge this is not correct action. The board has to approve any outlay of funds. I don’t know if the other board members know that the board can retain their own lawyer if they feel that they are not getting correct advice or being properly represented by the Village lawyer.

Trustee Klein stated the board decides on the discipline on a police officer not the Mayor and it is in the ordinance book. Klein passed out a copy of the disciplinary act. Klein said Mayor Kearns called Klein at home about having a special meeting, but said he would wait until Klein returned from vacation to hold a meeting. Mayor Kearns decided anyway to discuss at the December 17th meeting knowing Klein would be gone on vacation. Trustee Hall stated his opinion if by law we have to pay Hill he has no problem with that. Hall had a problem with putting Hill on unpaid leave and that is why he asked the questions he asked, but we were told by Mayor Kearns he talked to a lawyer and we could do that. Trustee Klein said with the population under 5000 that is why the ordinance reads like it does and the board makes the decision on discipline on a police officer. Dallas Hill stated Gary and Carla got there information from the two people that wrote the Municipal Handbook. Dallas Hill said Gary spoke with both of them and Carla spoke with both of them on the 18th, because neither one of them knew what to do. Dallas Hill looked up the phone number and texted it to Mayor Kearns. Michelle stated whether or not we pay Hill, it just needs to be done the correct way. Trustee Hall said his lawyer has not found the answer whether we have to pay Hill or not. Trustee Klein said with what he found out with since the population is 2000 it is up to the board. Trustee Hall said if there is an Illinois State Law that says we cannot do it, we can’t do it. Trustee Geppert stated she did not think anybody had a problem paying him. Dallas Hill said the board should read the Illinois Training and Standards Board Act Section M it clearly tells you can and can’t do. Trustee Klein suggested bringing this up at the next board meeting when Mayor Kearns is present.

MAYOR’s TIME
Nothing new to report

OTHER BUSINESS
Michelle noted Tyler has been talking with a couple energy brokers. Nordic’s contact price is .0484 which is a little bit cheaper than Integrity. Both companies want a 2 year contract. The board discussed and suggested to vote on
Terry Poltisch was following up on derelict properties. It was stated Trustee Kreher has been looking into.

The Freeburg Pharmacy may be coming to town. They are working with the state to get the paperwork done.

There being no further business the meeting adjourned at 8:29 p.m.

Gary Kearns  
Village President

Michelle Neff  
Village Clerk