7:30 p.m. The regular meeting of the Village Board of Trustees was called to order by Mayor Klein who led the Pledge of Allegiance. A roll call was answered aye by Hampton, Geppert, Ruhmann, Hall, and Boden. Weber was absent. Tyler Liefer, Sandy Stolte, Attorney Dennis, Officer Hamon and Chief Simburger were also present.

The minutes from the October 2nd board meeting were reviewed.

Trustee Ruhmann made a motion; seconded by Trustee Geppert to approve the minutes as presented. A vote was answered aye by Geppert, Hampton, Boden, Hall, and Ruhmann.

VISITORS
John Feder, Ervin and Cheryl Smith, Suzanne Likert-Santos, Mike Likert

Ervin Smith was present to request a meeting with the board to discuss what has transpired in the last ten months and the process if they have to move the marina. Attorney Dennis said the Smith's attorney had to be present but if he was just meeting to discuss vacating the property a committee could meet with the Smith's to work out that circumstance. Mr. Smith said he spoke with his attorney and his attorney said it was ok for him to talk with the Village's attorney. Attorney Dennis said he needs a letter from the Smith's attorney stating it is ok to talk with the Smiths. Attorney Dennis said there had been a ruling earlier this week that there would be no injunctive relief forbidding the Village from discharging the marina lease declaring it null and void or breached. The old lease gives Mr. Smith the right to remove the building and his floating docks. Mr. Smith said he has 32 years of his life down there, $400,000 in rent payments, and probably over $1 million dollars in it all together and he would like to have time. Mr. Smith said he should have met with everybody earlier and he doesn't feel through the few meetings they had that everything has been conveyed and that each party understands each other. Mr. Smith said if they have to move out he would like to have the opportunity to talk with the board regarding step by step process to get it done without destroying any value the Village may have in it. Attorney Dennis stated there isn't any room to discuss the lease; it's considered breached.

LOCAL IMPROVEMENTS
Nothing new to report

WATER & SEWER
Michelle noted she received a call that the nursing home had a leak outside the front of the building, which was fixed 09/13/17. The leak did not go into the sewer. The leak for two months was 53,000 gallons over their average usage of 187,000 making a possible sewer credit of $291.50.

Trustee Geppert made a motion; seconded by Trustee Boden to approve the sewer
credit of $291.50 for the New Athens Home for the Aged. A vote was answered aye by Geppert, Hampton, Boden, Hall, and Ruhmann.

Steven Reuss had a leak in the water line in his yard, just past the meter. The water did not go into the sewer. The leak was 18,000 gallons over his average of 2,000 gallons, making a possible sewer credit $99.00.

Trustee Hall made a motion; seconded by Trustee Hampton to approve the sewer credit of $99.00 for Steven Reuss. A vote was answered aye by Geppert, Hampton, Boden, Hall, and Ruhmann.

Eugene Whaley wrote a letter to the board asking for credit on their sewer bill. The high bill was due to watering the newly seeded lawn. Trustee Hall stated in the six years he has been on the board they have not issued credit for watering the lawn.

Trustee Boden made a motion; seconded by Trustee Hall to not allow a sewer credit for Eugene Whaley for water watering grass. A vote was answered aye by Geppert, Hampton, Boden, Hall, and Ruhmann.

STREETS & ALLEYS
The New Athens Home for the Aged would like to close the 200 block of South Johnson Street, Saturday October 21st for a fall family gathering.

Trustee Hall made a motion; seconded by Trustee Ruhmann to approve to close the 200 block of South Johnson Street October 21st for the New Athens Home for the Aged fall family gathering. A vote was answered aye by Geppert, Hampton, Boden, Hall, and Ruhmann.

PARK
Nothing new to report

CEMETERY
Nothing new to report

PUBLIC SAFETY
Nothing new to report

POLICE
Chief Simburger noted he explained the new parking ordinance to the residents of 502 South Market Street.

PERSONNEL
Nothing new to report

GRANTS
Nothing new to report

PUBLIC BUILDINGS
Trustee Ruhmann noted the committee met October 11th to discuss expenses of the multi-purpose center. Trustee Ruhmann asked to go into executive session at the end of the meeting.

ORDINANCE REVIEW
Impoundment ordinance is not ready at this time.

TREAURERS TIME
The monthly treasurer report needs to be approved.

Trustee Geppert made a motion; seconded by Trustee Boden to approve the monthly treasurer's report. A vote was answered aye by Geppert, Ruhmann, Hampton, Hall and Boden.

Sandy Stolte updated the board on the real estate taxes the Village has received.

CLERKS TIME
Nothing new to report

MAYOR'S TIME
Nothing new to report

OTHER BUSINESS
Attorney Dennis said the Smith's had filed a complaint against the Village asking for the Village to be barred from declaring the lease to be in breach and also asking for an injunction to stop the Village to be able to declare the lease in breach. The hearing was held Wednesday October 11th. The judge refused to issue an injunction on Mr. Smith's behalf, saying the lease is in breach. Attorney Dennis said there is still a complaint pending and the Village will need a forcible entry and detainer action to be filed against the Smith's to have them removed if they don't voluntarily go. Attorney Dennis said it was important that the mayor was in court ready to give evidence and the clerk was on call and ready to go if needed.

Trustee Boden made a motion; seconded by Trustee Ruhmann to allow Attorney Dennis to move forward and file forcible entry and detainer action to have the lease ended and the Smith's removed from the property. A vote was answered aye by Geppert, Ruhmann, Hampton, Hall and Boden.

Trustee Hampton made a motion; second by Trustee Hall to enter into executive session at 7:56 p.m. with Attorney Dennis, Chief Simburger, Sandy Stolte and Tyler Liefer to discuss litigation. A vote was answered aye by Geppert, Hampton, Boden, Hall and Ruhmann.
Trustee Hampton made a motion; second by Trustee Hall to return to regular session at 8:16 p.m. A vote was answered aye by Geppert, Hampton, Boden, Hall and Ruhmann.

Trustee Hampton made a motion; second by Trustee Ruhmann to enter into executive session at 8:16 p.m. with Attorney Dennis, Chief Simburger, Sandy Stolte and Tyler Liefer regarding contracts. A vote was answered aye by Geppert, Hampton, Boden, Hall and Ruhmann.

Trustee Hall made a motion; second by Trustee Hampton to return to regular session at 8:27 p.m. A vote was answered aye by Geppert, Hampton, Boden, Hall and Ruhmann.

Trustee Hall made a motion; second by Trustee Hampton to allow Attorney Dennis to place an ad in the Freeburg Tribune for the sale of the multi-purpose center. A vote was answered aye by Geppert, Hampton, Boden, Hall and Ruhmann.

The board discussed having a Christmas dinner for the employees and will be on the next agenda for a vote.

There being no further business the meeting adjourned at 8:30 p.m.

Richard Klein
Village President

Michelle Neff
Village Clerk