

**MINUTES OF A REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES
FOR THE VILLAGE OF FORSYTH, IL**

**Held at the Village Hall
January 4, 2010**

Call to Order

Mayor Harold Gilbert called the meeting to order at 6:30 p.m.

Pledge of Allegiance

Roll Call

Upon call of the roll, the following Trustees were physically present:

Rasho, Morr, Hubbard, Johnson, Allsup, Reed.

Absent: None.

Also Physically Present

Chuck Hunsinger, Larry Coloni, Rhonda Stewart, Deb Kirchner, Deputy Harris, Deb Kirchner, Kathy Mizer, Darrell Woolums, Dave Anderson, Charlyn Brautigam.

Adoption of Consent Agenda

*** Consideration of items listed on the Consent Agenda under the omnibus vote designation:*

1. Approval of Minutes of the Regular Village Board meeting held December 21, 2009.
2. Approval of Bills presented for payment, January 4, 2010. ***Invoices are always available for review upon request.*
3. Approval of Ordinance No. 781: Amending The Use of Motorized Vehicles on Sidewalks and bike Paths within the Village.
4. Approval of ordinance No. 782: Sewer Rate Increase.
5. Approval of Ordinance No. 783: Village Administrator Position Enabling Ordinance.
6. Approval of Ordinance No. 785: Variance for 1217 Katies Way – Width of Driveway Approach.
7. Approval of Ordinance No. 786: Variance for 178 S. Smith Street – Encroachment Into Front Yard Side Yard Setback.

Trustee Allsup asked that Item No 3, the Approval of Ordinance No. 781: Amending the Use of Motorized Vehicles on Sidewalks and Bike Paths Within the Village, be removed from the Consent Agenda. Allsup explained that to remain consistent with his votes on this particular issue, he would like the ordinance to be considered separately.

Allsup moved, and Hubbard seconded, to approve the Consent Agenda, as presented, with the exception of Item No. 3. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Morr, Hubbard, Johnson, Allsup, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

Morr moved, and Rasho seconded, to approve Ordinance No. 781: Amending the Use of Motorized Vehicles on Sidewalks and Bike Paths within the Village, as presented. Upon a call of the roll, the vote was:

Yeas: 4—Rasho, Morr, Hubbard, Johnson.

Nays: 2—Allsup, Reed.

Absent: 0—None.

Motion declared carried.

Public Comment

No public comment was presented.

ADMINISTRATION REPORT

LAW ENFORCEMENT—

Deputy Harris was in attendance to address the Board and comment on recent activity in the Village that officers have responded to during the past two weeks.

- Deputy Harris mentioned that officers made 27 arrests during the holidays relating to retail thefts.
- Accidents occurring at the intersection of US Rt 51 and Barnett Avenue continue to be a problem. Deputy Harris reported that a very high number occurred during the month of December. Mayor Gilbert asked if the Sheriff's Office could provide statistics on these accidents for the Board to review. Deputy Harris replied that she would notify her supervisors of this request.
- Trustee Morr asked if the Sheriff's Office had drawn to any conclusions on the home burglaries that occurred this past summer. Deputy Harris replied that although the cases remain open, officers have no new leads at this time.
- Trustee Hubbard asked what the protocol was for addressing abandoned or inoperable vehicles found left along roads within the Village. Specifically, he referred to a landscaping truck that was parked on County Highway 20 near the Hundley Road Bridge. Hubbard commented that he believes the truck had been left at this location for more than a day. Deputy Harris explained that if a vehicle is left in the line of traffic, officers have it towed away. She added that if a vehicle is found off of the road, officers tag it, and then if it is not moved within 24 hours, it is towed. Morr mentioned that he saw the landscaping truck Hubbard referred to being towed this afternoon.

ENGINEERING—

Engineer Chuck Hunsinger was present to comment on items listed in his Engineering Status Report provided for Trustees to review.

Cox Street Extension Project – Phase III

Chuck mentioned that he has nothing new to report on this project.

County Highway 20 Road Improvement Project

Chuck mentioned that the design for the project should be finished in January, 2010. Nothing else is new to report.

Oreana Water Main Project

Chuck mentioned that the Village of Oreana continues easement negotiations for the project, but noted that a pump site has been selected. He mentioned that he believe there has been an agreement reached between property owners and Forsyth regarding a water main easement.

2009 Sanitary Sewer Improvements

Chuck reported that First Response has finished repairs on the four home service connections the company was contracted to fix. However, during the process, the contractor discovered a second manhole in need of repair. Chuck mentioned that this manhole is located near the one discovered about a month ago, but noted that it does not appear to be causing a significant amount of infiltration. Both manhole defects are located in the Nora's Way Subdivision, Section Addition, and were installed by the same contractor. First Response believes that the area around the sewer pipes that connect to this manhole were not compacted adequately when it was installed. Chuck explained that the area will have to be excavated in order to make the necessary repairs to the system and recommended the work be delayed until spring.

Hundley Road Drainage

Chuck mentioned that he is working with the Public Works Director on plans for rebuilding the berm on the west side of Hundley Road. The information will be presented to the Public Works Committee at its February meeting.

LEGAL—

Attorney Darrell Woolums reported that he is ready to file a complaint concerning the taxation issue associated with the Warrensburg Barclay Library District. He asked Trustees to provide the names of at least two residents who would be willing to be named as plaintiffs in the case in order to proceed. After a brief discussion on the matter, Trustees Morr and Rasho agreed to speak with residents living in the area included in the complaint, and provide a few names to Darrell to use.

Trustee Rasho referred to a letter written by Darrell, dated December 21, 2009, concerning the proposed Enabling Ordinance for the Village Administrator's position, and asked that it be included in the minutes from tonight's meeting. The letter states:

"I have done further research concerning the power or authority of the board of trustees to remove the administrator. I continue to be skeptical of that authority but I realize that based upon the recommendations of Dave Anderson and Brad Townsend and the fact that this process is used in other municipalities, a majority of you will decide to adopt that methodology." Signed by Darrell A. Woolums

Rasho expressed his appreciation to Darrell for his professionalism in handling this issue and providing advice to the Board. He commented that in his opinion, Darrell has remained consistent with his opinions, even though not all of the Trustees have agreed with him.

PUBLIC WORKS DIRECTOR'S REPORT—

Public Works Director Larry Coloni provided a written activities report for Trustees to review regarding the status of ongoing projects in the Village.

Items mentioned included:

- *Work has been suspended on the relocation of the sand volleyball pit.*
- *Snow removal is in full swing. Larry reported that some residents push snow from their driveways into the streets and noted that it creates a hazard to drivers. Blowing snow continues to cause complaints from residents living on the west side of Forsyth. Larry remarked that employees are trying to keep up with this issue, but noted that it is a problem with the high winds.*
- *Public Works Employees are removing trees and brush along Village right-of-ways in an effort to enhance Forsyth's appearance.*
- *Larry reported that he was contacted by Illinois Environmental Agency (IEPA) personnel concerning Forsyth's Storm Water Notice of Intent for 2009. The IEPA stated that although the Notice of Intent is required, a report was not submitted. Larry explained that this is an annual requirement for renewal of the Village's National Pollution Discharge Elimination System (NPDES) Permit. The report should have been completed by the former Village Administrator. Larry commented that he is working with the Village Engineer to complete the paperwork needed to correct this deficiency. Trustee Rasho asked who is tracking these issues that Staff are finding that need attention. He also asked what are the lessons learned and how does the Village avoid these issues in the future. Rasho commented that this is just another example of how things appear to have fallen through the cracks in the past two years.*
- *Larry reported that the two new emergency sirens the Board authorized him to purchase were ordered and have been received. Employees will be testing the reception on the existing sirens tomorrow to help determine the best place to install the new ones.*
- *Continuing with sump pump inspections and changing out old meters. Larry reported that nine illegal connections have been found to date.*

COMMITTEES—

Parks and Recreation Committee

Morr encouraged everyone to attend the January 21, 2010 Parks and Recreation Committee meeting. It will be held at the Community Center located inside of the Forsyth Library building, 268 S. Elwood Street at 7:00 p.m. The purpose of the meeting will be to hear the results or findings from the Park Needs Survey that was sent out to residents a couple of months ago. Dr. Mulvaney from Eastern Illinois University and his students will be there to present the report. This will also be a time to ask questions about the information presented. Morr commented that he believe having the meeting in the Community Center will allow more room for those wanting to hear the presentation.

OLD BUSINESS:

Administrator Search Process

Advertisement for Village Administrator position

A revised Advertisement for the Village Administrator was presented for review. Trustees discussed the ad at length and recommended a few more changes be made prior to the scheduled January 8, 2010 posting date. Dave reported that he intends on placing the ad on the Illinois Municipal League website, the International City/County Managers Association website and newsletter, and the Illinois City/County Managers Association website. Trustees agreed to extend the closing date for the receipt of application to February 12, 2010. Village Clerk Kathy Mizer was asked to ensure the ad is placed in the Village Vision, the Decatur Tribune, and the Herald and Review.

Morr moved, and Allsup seconded, to approve the Advertisement for the Village Administrator position, as corrected. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Morr, Hubbard, Johnson, Allsup, Reed.
Nays: 0—None.
Absent: 0—None.
Motion declared carried.

Employment Agreement for Village Administrator position

A revised Employment Agreement was presented for review. Dave provided a brief outline on the revisions he had made since the last meeting. Mayor Gilbert commented that in his opinion, some of the language in the agreement may limit the Village on who applies for the position. Following a brief discussion Trustees agreed that the proposed document should be used as a template, but acknowledged that some of the language contained in it would be negotiable. However, Morr commented that in his opinion, the proposed severance pay outlined in the document, would not be included in any negotiations.

Morr moved, and Allsup seconded, to approve the Employment Agreement, as presented. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Morr, Hubbard, Johnson, Allsup, Reed.
Nays: 0—None.
Absent: 0—None.
Motion declared carried.

Job Description for Village Administrator position

A revised Job Description for the Village Administrator was presented for review. Revisions made from the last meeting were discussed.

Allsup moved, and Johnson seconded, to approve the Job Description for the Village Administrator, as presented. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Morr, Hubbard, Johnson, Allsup, Reed.
Nays: 0—None.
Absent: 0—None.
Motion declared carried.

Timeline for Village Administrator Search

A revised timeline was presented for review. Trustees discussed the dates outlined in it at length. It was agreed that the application deadline be extended to February 12, 2010, the applicants screened on February 23, 2010, and interviews scheduled for the morning of March 13, 2010.

Phillip Circle Drainage

Engineer Chuck Hunsinger reported that County continues working on the design for this project, but noted the preliminary design is complete. He mentioned that officials from the County have been meeting with Ameren/Ip to discuss different alternatives as to where the utility poles should be installed on the north side of the highway.

Sanitary Sewer Backup Problems

Trustee Rasho remarked that he would like to bring this issue to some sort of a conclusion. He mentioned that the matter has been discussed many times at Public Works Committee meetings, and also by Trustees at several Board meetings. Rasho referred to a letter written by Village Attorney Darrell Woolums, dated December 9, 2009 concerning the Village's decision regarding Mr. Aupperle's drainage claim. Rasho commented that he was confused by the letter. He explained that in his opinion, when the Board voted on November 16, 2009 for the Mayor to write a letter to Mr. Aupperle, notifying him that Village sees no liability concerning the damages to his property, the motion was very clear. Rasho asked who directed the Attorney to write this letter when the Board directed the Mayor to do so. Darrell replied that he believes Staff did so and noted that he wrote the letter in a way to be diplomatic. Rasho remarked that he take issue with Darrell writing this letter. Mayor Gilbert stated that he had no problem with Darrell writing the letter.

Allsup referred to the copy of bills from the Attorney concerning charges for legal services, and commented that it appears there were several charges for calls from Mr. Aupperle. He asked if it was the Village's practice for someone outside of the Village to contact the Attorney directly. Allsup stated that if someone calls Darrell directly, is the Village responsible for the services provided. He also asked what the procedure is for contacting either the Attorney or the Engineer. Mayor Gilbert remarked that the Village doesn't have much control over who calls the Attorney or Engineer.

Rasho asked for the information on legal and engineering services to discuss the contracted services for the Village during the budgeting process. He added that the process and policy should be discussed and agreed to at that time. Rasho remarked that in his opinion, there is a difference in how Mr. Aupperle's drainage claim was handled and how the residents who sustained sanitary sewer backup problems were handled. Everyone should be treated in the same way. Rasho commented that his issue is with transparency.

Mayor Gilbert commented that all of these issues mentioned are not the same. He noted that each claim was different. Rasho replied that he does not see the facts the same way as the Mayor appears to see them.

Allsup asked if the residents who submitted claims to the Village are going to be notified of the insurance company's decision. Mayor Gilbert commented that in his opinion, although the Village has received two denial letters from the Village's insurance company, a third letter has

not been received. He mentioned that the Village has received a third verbal denial of the claims. Trustees discussed this issue at length and asked the Village Attorney to see if any letters have been written to residents concerning this issue, and asked the Village Clerk to see if the former Administrator wrote any letters to them.

Darrell Woolums stated that the Village is only liable for damages if found to be negligent in some way. He pointed out that from the information that has been provided to the Board concerning these issues, there is no evidence to support negligence.

Rasho reiterated that in his opinion, this issue needs to be brought to some type of conclusion. The issue has been going on for the last 18 months and noted the rain event occurred on September 14, 2008.

Trustees discussed this issue at length. Morr moved, and Hubbard seconded, to authorize Attorney Darrell Woolums to craft a letter to send to residents who sustained sanitary sewer damages to their homes from the rain event that occurred September 14, 2008, stating that the Village will no longer pursue payments from the Village's insurance carrier for damages associated with this rain event. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Hubbard, Johnson, Allsup, Reed.

Nays: 1—Rasho.

Absent: 0—None.

Motion declared carried.

Rasho remarked that in his opinion, this matter is a technical issue. He suggested that before the attorney writes a letter to the residents who filed damage claims with the Village, all of the problems be identified and appropriately documented. Rasho asked that a file be created that contains all of the documentation attributed to the sanitary sewer backup issues.

Review revised COMCAST Franchise Agreement

Mayor Gilbert referred to the agreement previously approved. He asked Trustees if the paragraph outlined in Section 3.3 should be revised or not. An email from Engineer Chuck Hunsinger was provided, which relates to the issue of relocating cable lines that cross a Village right-of-way, and who should pay those costs. After a brief discussion, Trustees asked the Village Attorney to review this suggested paragraph, prior to executing the agreement. Chuck mentioned that similar language was inserted into the franchise agreement the Village of Mt. Zion adopted. This item will be placed on the January 19, 2010 agenda for action.

NEW BUSINESS

Review and Approval of Job Descriptions for Village Clerk and Village Treasurer

Proposed Job Descriptions were presented for review. Dave Anderson indicated that he reviewed both the Clerk's and Treasurer's Job Descriptions as he was preparing the one for the Village Administrator. He explained that his purpose was to provide clarity with regard to responsibilities, and also to ensure that duties were not duplicated between the three positions. Rasho asked the Clerk and the Treasurer if they had reviewed the proposed documents, and also if they were satisfied with them. Kathy Mizer and Rhonda Stewart both verbally agreed they had

reviewed the job descriptions and were satisfied with the documents. Morr expressed his surprise that the Clerk and the Treasurer are not supervised by the Board. He commented that in his opinion, this seems to be inconsistent. Trustees agreed that until a new administrator is selected, the supervisory control for these two positions should be left as stated.

Following a brief discussion Hubbard moved, and Rasho seconded, to approve the new Job Descriptions for the Village Clerk and Village Treasurer, as presented. Upon a call of the roll, the vote was:

Yeas: 6—Rasho, Morr, Hubbard, Johnson, Allsup, Reed.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Employee Pay Increases

Mayor Gilbert asked Trustee Morr to comment on this item since he was the one who asked for it to be listed on tonight's agenda. Morr commented that in his opinion, the Village is showing a very positive revenue surplus, and asked Trustees to consider granting a pay raise for employees. He stated that he believes the employees are working hard and should be rewarded for doing a good job. Trustees discussed this item briefly, but no action was taken. However, there was a consensus to review this matter during the budget process this spring.

Update on the Barclay Library Taxation Issue

Mayor Gilbert mentioned that since this item was discussed earlier in the meeting, no further comment is needed at this time.

Miscellaneous Items

Rasho referred to the Illinois Municipal League Review Magazine that Trustees receive monthly. He mentioned that in reading through the calendar inside of the December issue, he found that the Mayor should be providing Trustees with a "State of The Municipality" report each year. Rasho remarked that he is not aware of the Mayor doing so since being elected in 2007. He stated that there are a lot of things the Village should be doing throughout the year, and asked that this item be placed on the next meeting agenda for discussion and to ensure that Forsyth is complying with State statutes.

Secondly, Rasho asked that the Village Vision Editor Deb Kirchner, provide a written report on the procedure or process for writing the newsletter. Specifically, he asked Deb to address the following in writing:

-Who makes the decision on the topics contained in each issue?

-Who proofs the newsletter?

-Who is allowed to edit or make corrections to each issue?

-Who receives a copy? Is it only for residents, or is it sent to non-residents, and businesses?

Rasho asked that this report be provided to Trustees at their next meeting for review and discussion. He remarked that in his opinion, this information will be helpful for all Trustees to know how this process works.

Allsup asked the status of the Strategic Plan that Trustees approved and began discussing at the Special Meeting held on November 23, 2009. He commented that this issue needs to be followed up on. Trustees discussed the matter, and agreed that the Strategic Plan should be completed in parallel with the search for the new Village Administrator. Village Clerk Kathy Mizer was asked to contact Brad Townsend, to see what the status of this project is.

Mayor Gilbert referred to a memo received from Treasurer Rhonda Stewart concerning the payment of an additional invoice that was not included in the bills presented for payment included on the Consent Agenda. Rhonda stated in her memo that after closing the warrants out for this meeting, she found an invoice that needs to be paid prior to the next meeting. She explained that if the invoice is not paid before that time, the Village will incur a late fee. Rhonda asked that she be allowed to go ahead and make this payment, and then provide a second warrants list for Trustees to consider and approve at the January 19, 2010 meeting. Trustees agreed to allow Rhonda to proceed with this payment, as requested.

Adjournment

Allsup moved, and Hubbard seconded, that the meeting be adjourned. The meeting was adjourned at 8:44 p.m. by voice vote.

By: _____
Village Clerk