

MARCH 18, 2024

VILLAGE OF NEW ATHENS

4.1

6:30 p.m. The regular meeting of the Village Board of Trustees was called to order by Mayor Behnken. A roll call was answered by Trustees Newbold, Politsch, Feder and Geppert and Fitzgerald. Trustees Kearns was absent. Also present were Tim Buehler, Chief of Police, and Chris Remick, Superintendent of Public Works, Sgt Jacob Renner and Patrolman Jason Berry.

A motion was made by Trustee Newbold, seconded by Trustee Feder, to move item 5.6.1, Status of closure procedure of the Ambulance, to be first item before 5.0. A vote was answered aye by all trustees present.

VISITORS

Daniel and Kathy Renner, Courtney Renner, Corey Funk, Josh Dietz and Andrew Green.

Mayor reminded visitors that during the visitor's section is the only time they have to respond with their comments. Corey Funk had several questions for the board relating to the ambulance service. He questioned the board going into Executive Session, then immediately coming out of executive session, to vote on the closing of the ambulance. Mayor answered that was correct. Corey questioned the item not being on the agenda and wanted to know how a vote could take place if not on the agenda. Mayor answered it was discussed in executive session and the board came out of executive session to vote following discussion. Corey then questioned that the discussion took place in executive session and voted on without public being made aware of it. He then questioned the personal staffing and other matters being discussed outside of executive session. He questioned if that was FOIA-able, and the Mayor answered yes. Corey then asked the treasurer, Andy Fauth, if he handled the billing for the ambulance and Andy responded, "No, Nancy handles that." He asked Andy if he was aware of the income of the ambulance or reports and if he could have that information. Andy responded that he has limited information but the last report, January 2024 Profit and Loss report, showed the ambulance made \$3000 and Corey asked if that comes from the billing company itself. Andy responded that is the amount of income minus the expenses. Again, Corey asked if that information was FOIA-able. Andy responded yes. Corey then asked if we were adding two new city employees. Mayor responded that we are currently hiring a part time employee for seasonal work and advertising for one full time police officer. Corey asked if we were buying multiple new police cars. Mayor responded we are buying two new police vehicles and we just purchased one excavator. Corey asked for the approximate cost for the cars and excavator. Mayor responded \$120,000 for the police cars plus \$70,000 for the excavator. Corey asked how much does the ambulance cost in deficit per year. Mayor answered that this year, at the end of April, our operating cost will be \$160,000. Mayor asked Josh Dietz if he wished to speak, he requested to wait until later.

READING OF THE JOURNAL (MINUTES)

The minutes of the March 4, 2024, regular board meeting were submitted to the Board for approval.

A motion was made by Trustee Newbold, seconded by Trustee Fitzgerald, to approve the minutes from the March 4, 2024, regular board meeting as presented. A vote was answered aye by all trustees present.

The minutes of the February 26, 2024, Committee of the Whole Board Meeting were submitted to the Board for approval.

A motion was made by Trustee Feder, seconded by Trustee Newbold, to approve the minutes from the February 26, 2024, Committee of the Whole Board meeting as presented. A vote was answered aye by all trustees present.

REPORTS AND COMMUNICATION

AMBULANCE SERVICE

Mayor stated that he was absent from the March 13, 2024, joint meeting with the fire department. It was his understanding that the president of the board of trustees of the fire department that they have talked with their attorney and their attorney advised them that because they are the taxing body, that they have the primary responsibility of the ambulance closure. Mayor has talked with Dawn Elliott, the coordinator and employee of St. Elizabeth's Hospital, and Charles Kelly, Chief Operating Office of Medstar, Doug Kinzinger, president of the board of trustees of New Athens Fire Department. He has attempted to contact Ethan Bouser, Rural Med EMS, an ambulance company located in the Effingham area, but they have a physical facility in Fairview Heights. He never returned the Mayor's call. One of the issues that the Mayor is confused and concerned about, is that the ambulance service, whether it is municipal or private, is a regulatory entity; it is regulated by IDPH. He has also talked with IDPH Brian Kinninger and found him to not be very helpful from the information he was gathering. Apparently, the fire department has the primary responsibility of any closure and here's his understanding of the process: that the employee at St. Elizabeth's Hospital, that whoever is primarily responsible for the closing, would find someone to put our geographical area into their primary plan. We currently are services by Medstar, but we are in the secondary plan so there is a categorical difference there. Then St. Elizabeth's Hospital makes an application to IDPH, for permission to close the ambulance service. St. Elizabeth's Hospital is a private, not for profit entity. They appear to be delegated into a regulatory loop by IDPH. The Mayor's concern is obvious. The IDPH, according to Dawn, whoever is primarily responsible for keeping it open, cannot close it until they find someone to primarily serve our area, irrespective of the fact that Medstar is already serving the area. The State of Illinois has the power to force somebody to stay in business until bankruptcy. He would like to have our village attorney start with Dawn Elliott and crawl up the ladder to IDPH, and he would like to see something that resembles a statute. His main concern is: does IDPH have the right to drive this municipality or the fire department or both of us, or any other private entity, into bankruptcy? So that is where we are at. He heard a suggestion from somebody that they heard President Kinzinger, that maybe we should do it at the end of the year, but that's not going to work. We are losing \$50,000 every three months and that is after the rate increases. It is not going to work to just sit here and bleed to death. Trustee Feder stated that at the March 13th meeting, Kinzinger said that maybe if we could get Medstar to do it through the village through the end of the year, then through the fire department, as a quicker easier transition to pay Medstar on whatever amount we agree on until the end of the year, when they could take over. Mayor spoke with Charles Kelly, and this is all before he realized that primary responsibility appears to be with the fire department; Medstar has their hands full. They have five or six other municipalities that are basically in the same shape that we are, where they are close to closing. One of them is closing, not for monetary reasons, they are closing because they have an actual shortage of labor. Mayor asked Mr. Kelly to agree to be primary so we can close, and he said he wanted to discuss it with Dawn Elliott. Trustee Newbold stated that one of the things the fire department asked us to do, is to do an inventory and come up with a dollar amount, the market value of the ambulances and the market value of the building and contents. They want to know what equipment is on the ambulances. They wanted to know if we are going to sell it, not sell it, or give it away, but to start with a dollar amount of what it is worth. Trustee Newbold suggested performing an inventory on what is down there, especially for some of the larger equipment. The Mayor says time is money and some decisions need to be made soon. Trustee Feder requested a February financial report. Trustee Fitzgerald stated he understands IDPH has the power to basically bankrupt the village. Mayor stated he is relying on the village attorney to help make sense of all of this. Mayor said we can dedicate the entire Committee of the Whole meeting to further discuss this situation. Trustee Newbold again stated we need to get some headway on things, since the urgency of the process is dictating.

Motion was made to move 5.4 up on the agenda by Trustee Newbold, seconded by Trustee Fitzgerald. A vote was answered aye by all trustees presents.

POLICE CHIEF

Chief Buehler made a presentation to our new Sergeant Jacob Renner. He presented Jake with a certificate of promotion to the rank of Sergeant, as he completed his training March 8, 2024. Chief discussed the police activity log. He announced that Trustee Politsch made arrangements for the police department to receive a microchip scanner to use on lost dogs in the village. In addition, he is finally receiving some applications for the open police officer position, but unfortunately, none of them have academy training. If the village would approve it, we could reserve a seat at the academy for one perspective applicant. The cost is \$6680, but it costs nothing to reserve a spot for a candidate and there is no penalty in the event we would need to cancel. Mayor told Chief to go ahead and reserve a spot. None of the applicants have any law enforcement experience. Chief can do the power test here before deciding on which applicant would be best to physically qualify for the academy. The village attorney suggested having the qualified candidate sign a contract with the village, that way they won't get the training then leave to go work for another municipality.

MAYOR

Mayor sent an email to all board members regarding the Positive Pay One-Line Ledger System through First National Bank Waterloo. He explained how the program works to protect against fraudulent check abuse. The cost is \$25 per month, per account. If we opt out of the program, the village would be responsible for any fraudulent checks. Mayor recommended getting protection for all six accounts. The village clerk recommends just getting the protection on the four major accounts that we use to write checks out of. Covering these four accounts would cost the village \$100 per month. Trustee Feder stated he emailed someone at the bank, and they recommended just putting it on the general account. The other statement he made was when you use this program every day, you need to send a copy of your register every morning of every check you have written for that day. Mayor stated that Quickbooks is simple to generate that information. Trustee Feder made a motion to cover just the one general fund account, seconded by Trustee Newbold. Trustee Politsch questioned if we automate any of these accounts. Paula explained that the accounts are monitored multiple times per day, every day. She suggested covering the accounts that have the most paper check movement, since that is what the program is about. The four she suggested covering would be the General Fund, MFT, Ambulance and the Water & Sewer accounts. Trustee Politsch recommends modifying the motion to cover the four accounts. Trustee Feder modified the motion, seconded by Trustee Newbold. Roll call vote was taken. Those voting yes to covering the four accounts with Positive Pay were Trustees Geppert, Politsch, Feder, Newbold and Fitzgerald. Motion carries.

VILLAGE CLERK

The clerks reviewed the previous executive session minutes. They are ready for the board to review. Trustee Politsch asked when the board should do so. The village attorney said the board must do so every six months, they should go into executive session and review each set of minutes then vote on keeping them confidential or making them public. Mayor stated we made a resolution to have village clerk review minutes and decide which ones should be released and Van-Lear stated that that is the job of the village board, not the village clerk. The resolution should be changed. The minutes should be defined by the date. Mayor stated it could be done at the next regular board meeting. He clarified the process, and they will change the resolution. Paula said the copies will go back to her to be shred following voting on them. Personnel issues or purchasing real estate, items like that should be kept confidential.

TREASURER'S REPORT

Andy shared the balance summary for February 2024 and 2023. He explained the general account waiting to be closed at Citizen's is again having issues and he and the mayor are working on straightening out the issues. The already reconciled bank statements all match back to October, but the starting and ending balances are now not matching. Quickbooks is off and he's not sure why. Motion was made by Trustee Newbold to accept the treasurer's report, seconded by Trustee Fitzgerald. A vote was answered aye by all present.

SUPERINTENDENT OF PUBLIC WORKS AND BUILDINGS

Superintendent Remick stated last Monday night he attended the meeting of the Army Core of Engineers and Preparedness program for this year. One of the things they investigate is the snowfall amounts up north. We are in the same situation as we were last year, worse as far as the drought situation. At best, the river will be up to normal levels. He is having issues at the sewer plant right now. There is a lot of Nocardia on top of the tanks and it is not allowing the tanks to settle correctly. He is going to use Bromine to treat the Nocardia. He's not sure why it did that, but it has been suggested that he spend more time out there to monitor and run tests. Gary Idecker should be coming back to work April 1, 2024. He will be released off of medical leave. Chris has been speaking with a gentleman named Sal Reed (sp?). He is interested in turning the old home for the aged into some kind of a short-term healthcare facility. Van-Lear spoke about the zoning code and explained what an "overlay" so it won't actually change the zoning district, just put it on the agenda and discuss the over-lay so basically it relaxes all the zoning laws, then the board can vote on it. He suggested getting more information on the plans before deciding to do this. Van-Lear suggested having the gentleman come to the board meeting and do a presentation on their plans for the building, then the board handle it from there based on the information he shares. Chris is asking permission from the board to subscribe to Diamond Mapping Software Service at the cost of \$480 per year. He feels the software will help them do their jobs and eliminate the need to rely on Volkert. It is a cloud-based software that will help map all the water sewers, storm sewers, etc. All the employees will have access to it to help locate water lines, valves, etc. KWD and Sparta use it, as well. Mayor stated it would also be helpful when doing grant applications. Trustee Politsch made the motion to allow Public Works to purchase the year subscription to Diamond Mapping Software, seconded by Trustee Newbold. A vote was answered aye by all present. Mayor suggested coming up with an alternate plan to remove the river house from the marina if the water level on the river is not going to rise. IDNR gave us a date of December 2025 to complete the removal of such.

REPORTS OF COMMITTEES OF THE WHOLE

STREETS AND ALLEYS

Nothing to report.

FINANCE AND AUDIT

Motion was made by Trustee Newbold to accept the transfer from February 27 and 28, 2024, seconded by Trustee Politsch. A vote was answered aye by all present.

WATER AND SEWER

Chris stated he is keeping an eye on our 24-hour usage, and the amount of water we are purchasing from KWD, and we are 100,000 gallons, which is very good. Mayor stated that in the last two months, our water we sold was over 90% of the water we purchased which is within our 10% budget. That has not happened in 18-19 months. The month prior to that was a historic high, but we did experience 5 water main breaks.

PERSONNEL

Nothing to report.

PUBLIC PROPERTY AND PARKS

Trustee Feder reported they looked at the ball diamonds, and they may try to work on at least one of them. Jeff Tucker is going to begin this week adding two circuits to the concession stand.

CEMETERY

Cemetery clean up has begun. The public works employees are putting all the decorations in a barrel so the residents/family can come get it if they want it.

ORDINANCE

Nothing to report.

IMPROVEMENTS AND GRANTS

Nothing to report.

PUBLIC SAFETY, AMBULANCE AND ADA

Josh Dietz spoke about the ambulances and inventory items, and asked that we do nothing with those because it will lesson the value. Trustee Newbold explained we just want to know what we have on the ambulances. Also, if the fire department can start up a first responder situation, then we won't be leaving the village with no coverage. He is pretty disheartened about what happened two weeks ago in executive session, along with the vote to close the ambulance, which was not on the agenda. He stated a lot of citizens in town would have liked to discuss it. He feels it was a violation of the open meetings act, especially when we have discussed staffing in open meetings. Trustee Feder questioned the dollar amount of the supplies, etc, at the ambulance house. Josh explained that the system supplies all the items, such as band-aids, etc. Most of it is acquired at St. Elizabeth's Hospital and some is ordered from Boundtree. Trustee Politsch requested an inventory of durable goods. Josh stated he knows what is on the trucks, but not the dollar amount of equipment. Trustee Feder questioned the longevity of some of the equipment. Trustee Newbold spoke about how disheartened he is, as well, about closing the ambulance, especially since the response we have received from the staff. We were informed on a Thursday that the ambulance would be shutting down on Monday, and they were blindsided by that. We continuously get notices that there is no ambulance coverage on long weekends. The EMTs take those hours for their main employment then tell us we just have to do without, so that was a decision made without consulting us. He explained that the board went into executive session to discuss ambulance personnel. He would be more than happy to look into getting a first responder program. He felt like the village was giving a lot monetarily and we were not getting as much back. He questioned some of the ambulance peoples' commitment, as well. They questioned us about our commitment, but he feels we weren't getting the same amount back. The board is being made out to be the bad guy in this situation. Josh stated he is not receiving resignations, but he knows a few of the EMTs are looking for employment elsewhere. Trustee Politsch stated it does look like we are not being fair to the ambulance service and are working really hard with you guys to keep the conversation going. She stated that it was actually on the agenda and the operating losses, and it was not a violation of the open meetings act. She does not want any animosity between the ambulance crews and the board, when we are trying to support you but financially, we just can't do it. Trustee Newbold assured them it was not a decision that was easy to make. Josh questioned the ambulance tax, if it could be used for a first responder group. Trustee Politsch replied that the first responder plan would be up to the fire department, and they are currently not on board with that.

MARINA

Chris reported that the campgrounds are looking good. He has another campsite set up and ready. There's really nothing else that will need to be done there this year. The pavilion is ready for use. Total Eclipse is making new double-sided signs for us.

REPORTS OF SPECIAL COMMITTEES

Nothing to report.

COMMUNICATIONS, PETITIONS, RESOLUTIONS, ORDERS AND ORDINANCES

Roll call vote was taken on the revised wage resolution. Two changes were hourly change for part time public works department and Sgt. Renner's pay increase, taking place March 9, 2024. Trustee Politsch made a motion to approve revised resolution on wages, seconded by Trustee Newbold. Those voting aye on the resolution were Trustees Feder, Fitzgerald, Geppert, Newbold and Politsch. Motion carried.

Roll call vote was taking on the Volunteer Service to Remove River House resolution. It is contracted with John Feder, as a volunteer, whereas he will oversee the removal of the river house. If there are any outside labor and/or equipment expenses that he will pay or incur, the village will reimburse him for that at cost. Trustee Newbold made a motion to approve said resolution, seconded by Trustee Politsch. Those voting aye were Trustees Geppert, Newbold, Politsch and Fitzgerald. Trustee Feder abstained. Motion carried.

CURRENT UNFINISHED BUSINESS

Nothing to report.

MOTION TO ADJOURN

Motion was made to adjourn the meeting @ 8:16 p.m. by Trustee Geppert, seconded by Trustee Newbold. A vote was answered aye by all members present.

Joe Behnken, President

Paula Allard, Village Clerk/Collector