

REGULAR MEETING OF THE VILLAGE BOARD MINUTES: SEPTEMBER 3, 2013

The Regular Meeting of the Village Board was held Tuesday, September 3, 2013, at the New Baden Village Hall, 1 East Hanover Street. President Picard called the meeting to order at 7:00 p.m.

**Present and answering to roll call:** Mayor Picard, Trustees Malina, Linthicum, Nielsen, Mavrogeorge, and Him. **Absent:** Trustee Oster. **Staff Members Present:** Village Clerk Crane; Village Administrator Morani; Attorney Gruenke of Bruckert, Gruenke & Long, P.C.; Chief Riley; Scott Rakers of HMG Engineers; and Treasurer Pollmann.

Announcements

Trustee Picard announced that there will be a ribbon cutting ceremony on Friday, September 6 at 9 a.m. for the opening of the new South 1<sup>st</sup> Street. She also stated it was being considered to rename or provide a secondary name for the street to correlate with the American Legion.

Consent Agenda

A motion was made by Trustee Malina and seconded by Trustee Mavrogeorge to approve the Consent Agenda, which includes the Minutes from the August 5, 2013, Regular Meeting, the August 19, 2013, Committee-at-Large Meeting and authorization of payment of current invoices.

**Ayes:** Malina, Linthicum, Nielsen, Mavrogeorge, Him.

**Nays:** None.

**Absent:** Oster.

A majority of the Board voting aye, the motion carried.

Trustee Oster arrived at 7:05 p.m.

Employee Health Insurance Plan

Gregg Aleman of Gallagher Benefit Services which represents the IPBC Pool, of which the Village is a member, was present to provide an update on the employee health insurance plan. The Village has learned that UnitedHealthcare (UHC) is not likely to reach an agreement with Memorial Medical Group by the end of their contract date on September 1. Since Memorial Hospital is no longer in the UHC network as of July 1, if no agreement is reached between Memorial Medical Group and UHC then it is in the best interest of the Village to switch to a different network of providers. Mr. Aleman recommends waiting until October 20 before taking action to switch providers, more than likely to Cigna; this still allows the 70 days required to switch providers. Administrator Morani was concerned about where do you draw the line and quit allowing for extensions. Action may need to be taken by the Village Board at the meeting in order for new network to be effective on January 1, 2014.

Ordinance 2013-09-03-A: Regulating Liquor Licenses

A motion was made by Trustee Mavrogeorge and seconded by Trustee Nielsen to approve Ordinance 2013-09-03-A: Regulating Liquor Licenses. As discussed at the August 19 committee-at-large meeting in conjunction with the video gaming issue, this ordinance will regulate the number of liquor licenses for each class. This policy is recommended in order to provide the Village more control over the number of liquor licenses than can be issued. Class "E" – License by the Day will not have a limit, Class "D" was removed since the Village does not have any place that would qualify as a "Club"; and Video Gaming is only eligible in Class "A" - Taverns and Class "B" – Restaurants.

**Ayes:** Malina, Linthicum, Oster, Nielsen, Mavrogeorge, Him.

**Nays:** None.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

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Ordinance 2013-09-03-B: Placement & Operation of Video Gaming Terminals

Mayor Picard provided a synopsis of the events over the last year leading up to considering video gaming terminals. Chief Riley stated that he did not foresee any impact on the Police Dept. Jim Sheridan, representing the American Legion, provided his results of the poll he conducted within the communities of Clinton County; currently New Baden is the only community to not allow. Rev. Carl Johnston of the Methodist Church spoke out against video gaming. Trustee Mavrogeorge spoke out against. Trustee Him stated that gambling is already allowed and no adverse effects have been noted within the community.

A motion was made by Trustee Oster and seconded by Trustee Him to approve Ordinance 2013-09-03-B: Permit the Placement and Operation of Video Gaming Terminals Within the Village of New Baden and Establishing an Annual Fee for Video Gaming Terminals in Accordance with the Video Gaming Act (230 ILCS 40/).

**Ayes:** Malina, Linthicum, Oster, Nielsen, Him.

**Nays:** Mavrogeorge.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

Ordinance 2013-09-03-C: Submitting the Question to allow Video Gaming

A motion was made by Trustee Mavrogeorge and seconded by Trustee Nielsen to approve Ordinance 2013-09-03-C: Submitting the Question of Whether to Allow Video Gaming within the Village of New Baden to the Residents of New Baden. Trustee Mavrogeorge said the Trustees should find out what the residents that elected them have to say on the matter of video gaming. Trustee Him stated that the Village provided the info to residents via the Village website and Facebook page, as well as in the local newspaper, and it was discussed at numerous meetings that are all open to the public. Trustee Picard stated that this was placed on the agenda for consideration if the Trustees had a tie vote on the previous item of allowing the placement of video gaming terminals.

**Ayes:** Mavrogeorge, Nielsen.

**Nays:** Malina, Linthicum, Oster, Him.

**Absent:** None.

A majority of the Board voting nay, the motion failed.

Resolution 2013-09-03-A: Authorizing Execution of a Service Agreement with the Lowest Responsible Bidder for Electric Aggregation

A motion was made by Trustee Malina and seconded by Trustee Linthicum to approve Resolution 2013-08-05-A: Authorizing Execution of a Service Agreement with the Lowest Responsible Bidder for the Supply of Electricity for Residential and Small Commercial Retail Customers Who Do Not Opt Out of Such a Program. This resolution amends the lowest responsible bidder to the supplier with the lowest price for traditional power. The previous resolution adopted on August 5, 2013, identified the lowest responsible bidder as the supplier with the lowest price for 100% renewable energy (with an option to accept traditional from that supplier).

**Ayes:** Malina, Linthicum, Oster, Nielsen, Mavrogeorge, Him.

**Nays:** None.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

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Flat Roof Repairs/  
Insurance Claim

Progress has been made with the insurance adjuster on the pending claim as the result of hail damage to Village roofs in April and September, 2012. Administrator Morani reported that Arthur J. Gallagher has been acting as the mediator between the Village and the Insurance company. Mr. Morani has been working on a scope of work to distribute to prospective contractors.

Walking Trail Update

Trustee Oster reported that Christ Bros. will be working on the walking trail and that the asphaltting should be completed by the end of the following week.

South 3<sup>rd</sup> Street/  
Parking Lot Project:  
Contract Damages

Scott Rakers of HMG Engineers provided an update on this project; as well as consideration of assessing liquidated damages against Gleeson Asphalt due to delays in the project. Gleeson has completed the punch list for the project, which included replacing three (3) property pins that were damaged or removed during the project. The contract was finalized thirty-one (31) calendar days after the deadline; the contract stated it should only require twenty (20) calendar days to complete. The contract states that the Village could be paid \$475 or \$1,000 per day each day over the deadline. The contract was awarded to Gleeson Asphalt, Inc. with their low bid of \$53,706.80. If the Village proceeds at the \$475 per day, this totals \$14,725 (almost 25% of the entire project cost). Mayor Picard feels the Board should be paid for the delay. Attorney Gruenke stated the Village is entitled to these damages. The consensus of the Board was to have Attorney Gruenke look into the matter. He will work with Mr. Rakers of HMG Engineers.

There being no further business to be brought before the Village Board, a motion was made by Trustee Malina and seconded by Trustee Nielsen to adjourn the meeting.

**Ayes:** Malina, Linthicum, Oster, Nielsen, Mavrogeorge, Him.

**Nays:** None.

**Absent:** None.

A majority of the Board voting aye, the motion carried and the meeting was adjourned at 8:44 p.m.

Teri L Crane, Village Clerk  
Approved: October 7, 2013