

RECORD OF PROCEEDINGS

Minutes of Regular Council

Meeting

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National Graphics Corp., Cols., O. Form No. 1097

Held Council Chambers 7:30 P.M. January 21, 19 80

Mayor Hope Niehausmyer opened the meeting with the Pledge to the Flag.

This was the first Council meeting to be held in the Town Hall instead of the Municipal Building, where the meetings had been held while the Town Hall was being restored.

Clerk-Treasurer, Helen Coleman, called the Roll: John Harbal, Present; Gladys Donley, Present; John Fletcher, Absent; William Peloquin, Present; Donald Spurgeon, Present; Eric Hise, Absent. Four (4) Present, and two (2) Absent. There being a quorum we then proceeded with business.

There were about fifty (5) residents attending the Council meeting. While the members of Council read their copy of the minutes and ok'd the bills, Mayor Niehausmyer read aloud a listing of the committees she had appointed and two (2) letters that she felt would be of interest to the residents.

John Harbal moved to waive the reading of the minutes, seconded by William Peloquin. Roll call vote: John Harbal, Yea; Gladys Donley, Yea; John Fletcher, Absent; Donald Spurgeon, Yea; William Peloquin, Yea; Eric Hise, Absent. Four (4) Yeas; two (2) Absent, so the motion passed.

Gladys Donley moved to pay the bills, seconded by Donald Spurgeon. Roll call vote: John Harbal, Yea; John Fletcher, Absent; Gladys Donley, Yea; Donald Spurgeon, Yea; William Peloquin, Yea; Eric Hise, Absent. Four (4) Yeas; and two (2) Absent. The motion passed.

Mayor Niehausmyer then read Ordinance No. 3-80, the lease for the Mittendorf property, for the second reading by title only. The third and final reading will be the first meeting in February.

John Harbal presented the bids for a dump truck and a pick-up for the Street Department. The Street Committee determined that the lowest and best bids were Spurgeons for the dump truck and Genoa Motors for the pick-up truck. John Harbal moved to buy the dump truck from Spurgeons and the pick-up truck from Genoa Motors. This motion was seconded by Gladys Donley. Donald Spurgeon asked if all bids were in accordance with the specs. Robert James, Street Commissioner, explained that Genoa Motors could not provide a dump truck in accordance with the specs. Roll call vote: John Harbal, Yea; Gladys Donley, Yea; John Fletcher, Absent; Donald Spurgeon, Yea; William Peloquin, Yea; Eric Hise, Absent. Four (4) Yeas, two (2) Absent, so the motion passed.

Eric Hise arrived at 8:15 P.M.

Donald Spurgeon moved to go along with Mayor Niehausmyer's suggestion that the locks at the Town Hall be changed, seconded by William Peloquin. Roll call vote: John Harbal, Yea; Gladys Donley, Yea; Donald Spurgeon, Yea; John Fletcher, Absent; William Peloquin, Yea; Eric Hise, Yea. Five (5) Yeas, and one (1) Absent. The motion passed.

Mike Padgett, President of the Recreation Board, again told Council that the tennis courts at the park must be repaired. Council and the Board would like to have the project completed by the end of April. Asphalt is going up in price according to one of the contractors. Donald Spurgeon asked about the \$15,000.00 matching grant for the park. He asked is a portion of the Grant could be used to repair the tennis courts. This will have to be checked on.

Mayor Niehausmyer asked if there were any comments from the guests. Mary Ellen Wyse said that they were present in Council because of the action of Council at the last two meetings, putting the X-Mayor on Council and then electing him as Council President. Mrs. Wyse then introduced Paul Hinds as spokesman for the people. Mr. Hinds asked that sections of the minutes from the last two meetings be read. Gladys Donley read the sections asked for. From the January 3, 1980 minutes - Mayor Niehausmyer asked for nominations for President of Council. Gladys Donley nominated John Harbal. Donald Spurgeon then moved to table the nominations until January 7, 1980, allowing more time for consideration. From the January 7, 1980 minutes - Mayor Niehausmyer then called for the reading of the appropriations Ordinance #1-80. Eric Hise said he wanted to make a statement at this point. His statement was - I nominate William Peloquin to fill the vacant seat on Council. Gladys Donley was prepared to submit another name



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when Donald Spurgeon seconded the nomination made by Eric Hise and moved that the nominations be closed. A Roll call vote was taken on the name of William Peloquin to fill the vacant seat on Council: Donald Spurgeon, Yea; John Fletcher, Yea; John Harbal, Nay; Eric Hise, Yea; Gladys Donley, Nay. Three (3) Yeas, two (2) Nays, so the motion was passed. William Peloquin was then administered the oath of office and seated on Council. Mayor Niehausmyer then called for nominations for Council President. Gladys Donley again nominated the name of John Harbal. Donald Spurgeon nominated the name of William Peloquin. Eric Hise moved the nominations be closed, seconded by Donald Spurgeon. Roll call vote: William Peloquin, Yea; Donald Spurgeon, Yea; John Harbal, Yea; John Fletcher, Yea; Gladys Donley, Yea; Eric Hise, Yea. Six (6) Yeas, no (0) nays, so the motion passed. A secret ballot was then taken on President of Council. Vote: John Harbal, two (2); William Peloquin, four (4). William Peloquin will be Council President for 1980.

Paul Hinds then continued - He asked Mayor Niehausmyer if in the absence of George Bowland, do you wish to make any remarks on the reading of the portions of the minutes? The Mayor's remarks were as follows - On the minutes of January 3rd, when I asked for nomination for President of Council (Village Officers Handbook- At the first meeting of the Village Council in January each year, it must elect one of its members president pro tempore of the Council), I should have called the motion to table the nominations completely out of order and proceeded with the election. The action of tabling nominations forced me into a violation. In the January 7, 1980 meeting the nomination of William Peloquin was out of order in many respects, questioning the possibility of a legal election. The form of order in the election of the Council President at that meeting was done in proper order.

Mr. Hinds then read a prepared statement - We are assembled here to express our disapproval of the appointment of William Peloquin to a seat on the Genoa Village Council, and to his subsequent election to the presidency of that Council. We view this as a deliberate show of disregard to the majority of village residents whose decisive vote last November told all concerned that William Peloquin was not their choice for an office in village government. We were surprised and disturbed at the method by which this act was accomplished, and disappointed to learn that two of our elected council members would be parties to such an action. We see this as a conspiracy to take over the leadership of our village government, and to defeat the objective of the Mayor's office. We hope that the rising wave of public opinion generated by this situation might cause Mr. Peloquin to re-evaluate his ambitions, and gracefully resign from Council; or that our Council reconsider its position, and vote to rescind the actions that consummated this situation. Lastly, we hold that any vacancy on Council resulting from this matter should not be filled with any person who has been defeated for that post in the last general election.

Questions from the floor -

Edna Zimmerman - It seems that everything else has to be read three times. Why wasn't this, or presented to the people of the Village to fill the vacant seat?

In answer - Mayor Niehausmyer read from the Village Handbook that the five (5) REMaining Council members have thirty (30) days to fill a vacant seat on Council and if they do not act in thirty (30) days, then the Mayor must fill the seat.

Betty Clabaugh - Doesn't the oldest member of Council act as the President?

In Answer - No, the President is elected by the Council members.

George Donley - Why did the President of Council motion ever get on the floor?

Answer - Gladys Donley - This is where I put the name of John Harbal up for President of Council and that is when the nominations were closed.

Donald Spurgeon remarked that this was a special meeting and he did not understand that other business was to be discussed.

Sylvia Essman - I cannot understand how the X-Mayor can be elected to Council to fill a vacant seat.

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No answer

Carol LeVee - Why wasn't the President of Council elected at the special meeting?

Answer - Donald Spurgeon - This was a special meeting for other purposes. Eric Hise also stated that if he had not called home he would not even have known about the meeting.

Betty Clabaugh - Why all of the controversy on telephone calls?

Answer - Eric Hise - That evening I was able to leave my job to attend the meeting.

Donald Spurgeon - Many times we have tabled business. People came to this special meeting unprepared to elect a Council President.

Paul Hinds in closing - I understand that the Village Solicitor is supposed to be present at all Council Meetings. I wonder if he had been present if he would not have been able to control the proceedings. Also, one Council member has been late to most meetings until these last two meetings, then he was on time.

Mary Wyse - What is going to be the outcome of tonight's meeting?

Carol LeVee - More people than those present are upset.

Sylvia Essman - Can someone from the audience make a motion to do something about this situation? The Councilmen saw the wishes of the public and they should not go against the general public's wishes. We want a good clean government and not a hassle all of the time.

Mayor Niehausmyer asked if anyone on Council has a motion to make?

Gladys Donley moved that the people's wishes be taken into consideration, seconded by John Harbal. Roll call vote: John Harbal, Yea; Eric Hise, Yea; Gladys Donley, Yea; Donald Spurgeon, Yea; William Peloquin, Abstained; John Fletcher, Absent. Four (4) Yeas, one (1) Abstained, one (1) Absent. So the motion carried.

Mayor Niehausmyer thanked the people for coming and stated that they should continue to express their views.

Jaan Mannik reported that he had brought the new contract for 1980. Gladys Donley presented the contract and moved that it be accepted, seconded by John Harbal. Roll call vote: John Harbal, Yea; John FLETCHER, Absent; Gladys Donley, Yea; Donald Spurgeon, Yea; William Peloquin, Yea; Eric Hise, Yea. Five (5) Yeas, no (0) nays, so the motion passed.

Jaan Mannik then mentioned a possible answer to the drainage problem for the Americare Nursing Home. He said that it appears that Mrs. Bitter is not in favor of granting an easement for a sewage ditch but would consider sale of the needed land. This would be very expensive. Due to this Mannik and Schneider recommends that Americare place on their property a pond to hold storm water. This can be slowly drained off into the town's sewers. Mannik and Schneider will explore this idea further and get back to the Council. Mr. Pinkney was here representing Americare. He was in agreement that Mannik and Schneider explore this idea further.

Mayor Niehausmyer received a request from the Women's Softball League in Genoa asking for permission to have their meeting in the old Council Chambers on January 23, 1980. Council felt that they should permit meetings of this kind in that room. Mayor Niehausmyer will see that the door is unlocked for the teams.

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Mayor Niehausmyer asked the Utility Committee to bring their recommendations on garbage to the next meeting. She also asked the finance committee to act on the employees raise at the next meeting.

William Peloquin asked John Harbal if he was aware that the police car had been in the ditch. Councilman Harbal was not aware of it but assured Council he would investigate.

Councilman Peloquin also asked that John Harbal investigate the story that the Genoa Police who are working strike duty at Harbor Manufacturing are harassing The strikers and also that the police are carrying shotguns.

William Peloquin moved to adjourn at 10:25 P.M.

Walter L. Coleman
Clerk-Treasurer

Hope L. Niehausmyer
Mayor

