

Minutes of the emergency Board of Education meeting held on Monday, July 20, 2011. The meeting was called to order by the president at 7:30 a.m. The recording secretary called the roll. Present were: Martenson, Hicks, Ottengheime, Konen, Sanderson, Boehne. Absent: Palombo

Introductions were made by Village of Waterman Board Trustees Pete Robinson, Slade Browder, and Roger Bosworth.

### COMMUNICATIONS

The president asked if anyone in the audience had anything that they wished to present to the board.

It was decided to wait until after the business portion of the meeting and if anyone had any questions, they could be answered at that time.

### BUSINESS

Dr. Rockwood explained that the purpose of the meeting was to discuss the sewer project work that is being done by the village of Waterman. In the summer of 2008 the then Mayor Lave talked with the middle school principal and Dr. Rockwood about the Elm Street project. The former mayor and former village of Waterman engineer spoke at a board of education meeting where the project was approved by the board. Any time there is alteration to the buildings and grounds of the school district it must be approved by the board of education. Dr. Rockwood, Charlie Foster, former board of education president, Roger Bosworth, and Mayor Tom Ekle met shortly after Mayor Ekle's election. They said that they mentioned at that time that a new project might be in the works however that was not recalled by Dr. Rockwood.

On June 22, 2011 Norm Beeh, engineer for the village of Waterman, stopped in the district office at 4 p.m. and told Dr. Rockwood about the timeline for the project but had no plans with him. Mr. Beeh was the former engineer for the village of Waterman, resigned during the previous village administration, and now is the village's engineer again. He said a grant had been written for the project and they were surprised that they received the grant. The grant was funded  $\frac{3}{4}$  by grant money and  $\frac{1}{4}$  will come from other funds.

Ms. Palombo arrived at 7:33 a.m.

On July 13, 2011 between 2:00 and 2:30 p.m. Mr. Beeh again came to the district office. He apologized that the board of education and the superintendent knew nothing about this project and he brought the plans. He had a letter from Mr. Simpson, Waterman Elementary Principal, supporting this project because the land around the elementary school floods during heavy rains. The principals or superintendent have no authority to say whether a project will begin. The Finance Committee was meeting at 3:30 p.m. that day and Dr. Rockwood asked Mr. Beeh if he would like to return to discuss this project with the committee. He did return and presented the project plans. The Finance

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Committee is not authorized to take any action on a project. Only the full Board of Education can take action.

On July 18 in the late afternoon, there was a legitimate concern from a board of education member concerning this project regarding if in the future the land could be used for a new building or an addition to the elementary school. Another concern was if an easement agreement was signed. The board of education has had very preliminary discussions on school buildings in the past. The school attorney was contacted.

Everyone agrees that this is a good project and will be beneficial to everyone and the school district wants to be a good neighbor.

Mr. Boehne looked at the project on Tuesday, July 19 and spoke to a gentleman involved with the project and looked where the stakes are. Dr. Rockwood, Norm Beeh, and Mr. Boehne had a conference call with the district attorney. There were five options. The project could go on without board of education approval, the project could be stopped, and the project could continue and the line be rerouted, the project could continue and instead of cement pipes it would be switched to PVC pipe by the trees, or the project could be approved by the board with any future pipe replacement costs (due to building) in the future to be paid for by the village. The village will also be asked to reimburse the cost of writing the easement agreement.

Agreement A was given to the board previously and Agreement B was handed out to the board members. The Open Meetings Act states that this qualified as an emergency meeting so 48 hours notice was not needed. The project has been started and the district doesn't want to cost the village any more money.

Roger Bosworth said that he has a copy of Agreement A that was given to him by the village attorney. Agreement A says exactly what was talked about. The school district's attorney has been in contact with the village attorney. Agreement A says that the village will reimburse the cost of an easement agreement. Agreement B does not include that.

Mrs. Konen asked if the village is not willing to pay, are they willing to shut down the project?

Mr. Martenson asked that the words be changed from sewer project to storm water project.

Mr. Boehne said that the amount of the easement agreement (\$460) is what they are asking the village to pay. The school district is trying to do the right thing and they have not yet found the paper trail as to who signed off on the project from the school district.

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Dr. Rockwood said that we are investigating as to where anything from the village was sent. Mayor Ekle indicated to her that the project information was sent with pictures to the school. Dr. Rockwood stopped in village hall yesterday and asked for a copy of what may have been sent and the village clerk didn't have a copy. The clerk then found it and said that she had sent it but Dr. Rockwood had not received it.

Mr. Beeh faxed a copy of the letter that Mr. Simpson had written.

Mr. Martenson said another issue is who pays to record the easement agreement.

Dr. Rockwood said the school district has incurred attorney fees now.

Pete Robinson said he would be willing to go back to the village board. If the hang-up is over the \$460 for the writing of the easement agreement, he will pay for it out of his own pocket.

Roger Bosworth said there are other issues. The original engineering firm is no longer involved. He would like to have the engineer check to see what happened and answer the questions from there.

Dr. Rockwood asked when the grant was applied for. She thought it was a couple of years ago. The village trustees agreed. The letter from Mr. Simpson is dated 2010.

Pete Robinson said the letter was the last thing that was included in the grant. He took pictures of the flooding to be included in the grant.

Roger Bosworth said the grant was applied for in February 2010.

Dr. Rockwood didn't remember former Mayor Lave saying the grant had been applied for.

Roger Bosworth had a concern with replacing the cement with PVC piping. Typically cement is not replaced with PVC. Concrete is more durable. The engineer could have a problem with that. He is looking at the \$460 in a different way. In times of heavy rain the water has sat at the north door of the elementary school for over a week and at the third base line of the baseball diamond for days. They diverted part of the grant for the health and safety of the kids. We're all in this together. We need to look at the type of work being done and solve the need. The village has spent money on this project. When the Greenridge project and the Akrabawi project were started everyone got what they wanted in negotiating with the developer. The Kennedy project didn't want to give up the land but they donated it to the school. Other former subdivision land is for sale now for \$1.7 million and they are looking for a buyer. They could start over with a new buyer

and a new round of negotiations. The village needs to protect the taxing bodies and themselves.

Mr. Boehne said he walked around with the people doing the digging and he walked the line that goes right next to the trees. The concern is if the district wants to build something in the future. There are two thoughts: it could be built around it or be changed to PVC now.

Dr. Rockwood said Mr. Beeh sat in on the discussion and never corrected the conversation on cement versus PVC.

Mr. Hicks asked if it floods by the door at the elementary school. The answer was yes. He asked what actions did we take. Mr. Bosworth responded that it has flooded for years.

Mr. Martenson said it is a double-edged sword. It lays low and there is flooding from the houses. It is a great project but is going through the school land. Will the village rip out the pipe if the district decides to build?

Mr. Boehne said it would follow the road all away around and the ground would be dug two feet deeper around Kennedy. He has been informed that it wouldn't be an issue. He would like to be a good neighbor and get it resolved. The district has costs too.

Dr. Rockwood said to reroute could potentially violate the terms of the grant the village received and the diagram in the grant should be followed. There is a concern about the frost line.

Roger Bosworth said the village would like to solve the water problem and it is concerned about the health of the kids. There should be no problem passing this at the village level.

Slade Browder said there are important inlets at the ball diamond and school. Points A to B could be eliminated and taken into the storm inlet. The one going to the pond is not an issue.

Dr. Rockwood asked if it would violate the terms of the grant if the pipe was switched to PVC.

Pete Robinson said that might cause a delay and the city could be liable if it was decided to move a building on the land.

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Pete Robinson said they would go back to the village board and he is sure Agreement A will be passed by the Waterman Village Council and he will get back to Dr. Rockwood.

Mr. Hicks asked if the resolution was passed if in the future it would change.

Pete Robinson said the village meeting is at 6:30 p.m.

Ms. Palombo will hand deliver the signed agreement to the village this afternoon.

Mrs. Konen asked if was clear which one the board is voting on. Agreement A is subject to approval by the village of Waterman.

It was moved by Ottengheime, seconded by Konen to approve easement agreement A that includes payment for writing of said agreement outlining the storm water project for work on the grounds of Waterman Elementary School as presented replacing any language regarding “sewer” with storm water. Roll call vote: Martenson, yes; Hicks, yes; Palombo, yes; Ottengheime, yes; Konen, yes; Sanderson, yes; Boehne, yes. 7 yes, 0 no. The motion carried.

The board will wait to hear more after the village meeting.

Pete Robinson apologized again and it started from the engineer. They checked the north side of the middle school ditch to check to make sure there was nothing on the property.

Dr. Rockwood asked for a straw poll on the board of education’s position if the village doesn’t agree. It was agreed that the project would be stopped until there was another meeting.

Pete Robinson assured the board of education that the village board will agree to this.

Roger Bosworth said they might need to wait for the mayor to get back to break any tie vote.

It was moved by Konen, seconded by Ottengheime that the meeting be adjourned. On a voice vote, all members voted yes. The motion carried. The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Pamela Ottengheime, Secretary

