

UNAPPROVED CHESTERFIELD NEWSLETTER 46



October 05, 2013

By John Hoffmann

FIREFIGHTERS UNION USE PINK SHIRTS AS WAY TO GET BACK AT

FIRE BOARD: The Pink shirt controversy started long before last week. This all started in April when Jane Cunningham beat Cole McNary for a seat on the board and the board of directors went from being favorable to many firefighter union labor issues to a more conservative and less union friendly board. Immediately the board's attorney was fired. Next Cunningham did an investigation into the work comp loss rate and found the district was paying \$1.2 million in work comp insurance premiums instead of \$300,000 due to escalating out of control work comp claims. (This skyrocketing insurance claim rates actually started while conservative Rick Gans and Robin Harris were on the board of directors, but went through the roof the first year of the majority of labor friendly Kim Evers, Steve Swyers.)

Since Cunningham joined the Fire Board and she voted Robin Harris in as Board president, the Monarch firefighters and the new chief, with a long union background, have been on the losing end of a lot of changes.

A few months ago all the Union decals were removed from the fire trucks and ambulances. This was a smart move since the fire vehicles and apparatuses are owned by the district and not Local 2665.

When the pink t-shirts showed up with union emblems on the sleeves the Fire Board said no. Firefighters should have seen this coming after the decals were scrapped off the fire trucks. The current contract allows the union patch to be on uniform shirts, but the shirts have to be approved by the Board.

I have little doubt that Union Steward and Monarch Captain Andy Stecko was involved in creating the media firestorm. They had not gotten the shirts approved with the new board as required in the District's policy. The excuse of the union is that they never had to do it in the past four years, even though it is in their current contract.

BOARD PRESIDENT HARRIS TURNED TABLES: At the Tuesday October 1 Monarch Board Meeting with a room and lobby full of angry people, many wearing pink shirts and related to union firefighters Robin Harris turned the tables on the union protesters. He explained that the Board of Directors had to approve a uniform change and no one from the rank and file or Union had approached the board. He then read from the Pink Heels (organization behind the firefighter's wearing pink t-shirts) guidelines that said "no union labels should be on garments."

He then instructed Fire Chief Tom Vineyard to make a department directive allowing firefighters to wear pink shirts if they clearly identify the wearer as a Monarch Fire Protection District employee and follow the guidelines of the Pink Heels organization.

This was brilliant! The guidelines don't allow union labels. Harris was telling the employees to follow the rules.



This upset some firefighters who said it would cost too much to have new t-shirts made. The other problem is that the firefighters raise funds by selling the t-shirts to the general public.

Harris told them wearing pink shirts was okay, just not the pink shirts they had. (He later allowed the shirts see further in story)

CHIEF ATTEMPTS TO MAKE A DEFENSE: While the public was attacking the Board of Directors (director Steve Swyers was missing, leaving just Harris and Cunningham at the meeting and requiring 2-0 votes to get anything passed) Fire Chief Tom Vineyard attempted to make a defense of the firefighters and take responsibility for allowing the shirts. He asked if he could speak, and Harris told him he certainly could.

“I feel like this has been circling over my head. This is the fifth year for the pink shirts and no formal presentations have been made to the board...”and at that point he was stopped by Harris who reminded him of the union contract requirement for uniform changes.

Harris could have just as easily said...”there is a new sheriff in town and following the rules is now required.”

PUBLIC COMMENTS: Perhaps the highlight of the public speakers was the first and the last. Jacqueline Windhorst who said she works at Schnucks. She was wearing both a Pink Local 2665 Monarch firefighters T-Shirt and her United Foods and Commercial Workers union button.

“I feel the firefighters are being picked on,” said Windhorst. “Jane Cunningham, I meet you in Jefferson City and tried to explain something to you and in the halls of the Capitol and used the word “ass” and you stopped me and walked away. I was appalled last night when you used the word ‘asinine’ when interviewed on TV,” she rambled on.

“You had them scrap the union labels off the fire trucks and ambulance. These things seem to be an attack on the unions,” is just a flavor of the statements from Windhorst.

This was not the last of statements from Windhorst. After the public comment section closed Robin Harris was making a statement and Windhorst sprang up demanding to be heard again and marched to the podium. Harris motioned for the County Police Officer (Chesterfield PD knows better than to allow their officers work Fire District meetings off duty) to remove Windhorst. He eventually was able to get her to take her seat and shut up.



In the background Monarch Board President Robin Harris is on his feet and instructing the off-duty County officer to remove Windhorst.



The County Police Officer is behind Windhorst telling it was time to leave.

POSTIVE AT BEGINNING AND THE END WITH A LOT A NEGATIVES IN

BETWEEN: Former president of the fire Board Rick Gans was the first speaker. Gans, who withdrew from the April election so as not to split the vote from Jane Cunningham took several shots at Local 2665 over a four minute statement. Several people in the audience wearing Pink shirts started yelling, "Three minutes is up" as Gans continued forcing Harris to remind everyone who was running the meeting.

"How in the world does Local 2665 make the decisions of what uniform will be worn, even for one month," asked Gans.

Gans was followed by Windhorst. Then it was Diane Piro.

"I volunteer for the Monarch Fire Protection District. I'd like to ask you this, who gives you the right to say 'no' against breast cancer?"

The next resident to speak (Karen) was a cancer survivor.

"I'm a cancer survivor. I know what it is like to go through all this crap," she said.

Firemen are role models. Burly good looking guys who put out fires. I'm outraged as a survivor that we have this insensitivity to an act of kindness. It should be nothing but people loving people."

Karen remarking how "firemen" are burly good looking guys" unfortunately puts her in the camp of being a sexist and against female firefighters. This alleged attitude got the entire Monarch command staff fired in December of 2011.

Chuck Reise pleaded ignorant and embarrassed.

"I did not know this was a union thing. I was embarrassed to see this on TV...It brought one back to Todd Akin's little comment," he said.

"Once again we find the Monarch Fire Protection District on the front page of the newspaper," said another female resident.

"I'm just absolutely disappointed in both of you guys (Robin Harris and Jane Cunningham). You have to pick your battles, said John Durant. This is a bad one. You are taking money away from people who need it. I'm just happy to call 9-1-1 and someone shows up. I don't care if they are wearing a dress. I think both of you guys

forget that you are working for the community. Your actions just said 'screw you' to the community. "

The last speaker was Ron Cawood and he was positive toward the board.

"Jane and Robin, Thank you! Thank you! Thank You! For showing us what government unions can do., like have work comp costs 400% over what they should be."

THE BOTTOM LINE: Members of Local 2665 were complaining that in past years they raised \$6,000 for breast cancer research by selling t-shirts at fire stations and how the actions of the Fire District will make that harder to do this year.

Now these firefighters are making an average pay of around \$92,000 and over \$125,000 a year counting benefits. Each of the rank and file members at Monarch can simply take out their checkbook and write a check for \$57.15 and they will have raised \$6,000 for breast cancer research. Then let the public contribute to the charity of their choice!

The next day Robin Harris gave in a bit and said firefighters who had already purchased the shirts with the union logo could wear them if they also worn a fire District ID card.

On Thursday Susan Weich of the Post-Dispatch posted a story at StLToday that quoted the founder of the Pink Heels breast cancer awareness organization who said that fire union logos should not be on the t-shirts. He said his statement is based as a former firefighter and fire union member. Here is a portion of Weich's article:

Dave Graybill, the founder of the Pink Heels movement - a campaign to generate awareness and support for women battling cancer - said Thursday he does not approve of the firefighters adding the union logo to his design because it muddies the message.

"I was a fireman, and I was a member of the union, so it has nothing to do with whether I'm for or against the union, but our initiatives should be about people rather than the organizations promoting them," Graybill said.

This originally appeared in the Ex-Alderman Newsletter #99

MONARCH FIRE PROECTION DISTRICT MAKES THE RIGHT CALL...FIREFIGHTERS ARE TO WEAR UNIFORMS ASSIGNED TO THEM BY THE FIRE DISPTRICT AND NOT LOCAL 2665 OF THE FIREFIGHTERS UNION: The sudden controversy of Monarch firefighters complaining of not being allowed to wear pink shirts to support breast cancer research for the month of October is crazy. The

problem is that over the years the Monarch Fire Protection District has allowed the local firefighters union more and more control of the fire district.



photo swiped from StLToday.com

I was a police officer for 30 years. I never decided what uniform I was going to wear. Nor did any labor organization I belonged to. The political subdivision I worked for, whether it was a city or a county had specific uniforms designed for the public to identify public safety employees.

All of a sudden the union is telling Monarch that the standard uniform will only be worn for 11 months a year and for October they will wear the union designated shirt.

Monarch firefighters work for a government agency. Their job when on duty is to respond to EMS and fire calls. It is not to support or do fundraising for a specific charity. There are hundreds of worthwhile charities and it is not in the job description of taxpayer funded government employees to pick and choose what charities to support while on duty.

Earlier this year the Fire District Board ordered that union decals be removed from the fire trucks and ambulances. This was another correct call. The equipment is owned by the public and not the fire union. The vehicles need to be identified as a fire or EMS apparatus and what government agency they belong to. It is not owned or operated by the fire union.

It appears to me that Local 2665 has created this as a story to get back at the new board for doing its job. It also appears as if the young reporters at KMOV and KSDK along with veteran reporters at the Post-Dispatch have taken the bait, as did Chesterfield resident, KMOV anchorman Steve Sevard whose intro to the story appeared to be backing the firefighters.

Fire district director Jane Cunningham also has a very valid point when we spoke on Monday night. Since the fire union was selling the same shirts to the public that they wanted to wear it would be easy for people to impersonate a district firefighter. There is

a reason for a regular uniform and that is to create a uniform appearance that is immediately recognizable.

Fire District Director Robin Harris understands this concept better than most people. He is a pilot for Delta Airlines. He wears the Delta airline pilot uniform, so passengers and airport staff can immediately recognize him. He doesn't wear a uniform of his choice or one that his union tells him to wear. He wears his employers' uniform.

NOW FOR THE BIG MONARCH STORY THE REST OF THE MEDIA COMPLETELY MISSED!

After the regular meeting which was held between 6pm and 7 o'clock Harris and Cunningham briefly went into closed session with their labor lawyer. After about five minutes they returned.

On the posted agenda on the Fire District's web site was the notation of an open meeting followed by a closed meeting. Also listed were contract negotiations. One could assume that the contract negotiations would be part of the closed meeting. However, if they did that they would have been wrong.

CONTRACT NEGOTIATIONS OPEN TO THE PUBLIC! Harris and Cunningham along with the district's labor attorney Bob Stewart were ready to negotiate with Local 2665 **IN PUBLIC** for all the taxpayers and firefighters to observe.

Rick Berry the labor attorney for Local 2665 was not happy one bit. First Berry complained that the agenda indicated negotiations were in a close session. On the regular agenda under "The President's Report" was listed "Negotiations" with no mention that they would be in closed session.



Local 2665's labor lawyer Rick Berry listens to Keith Goldstein of the union's negotiating team.

Berry complained that the last time they negotiated in 2010 it was closed.

“Our presentation by our negotiation team involves cases that are closed by HIPPA regulations, closed personnel files, medical records, hiring’s, firings and dismissals.

It was suggested to Berry that he could make the same case in public and simply not use the peoples’ names.

Berry added that since the negotiations were in an open public meeting they would be unable to make their presentation “tonight.”

Bob Stewart responded again.

“I have a difficult time seeing why any names need to be used.”

Keith Goldstein, a union member with another fire district who is on the negotiating team was upset over the open public meeting and demanded to know repeatedly, “Why the change?”

I guess he and Berry didn’t get it. There is a new majority on the board in charge.

“I think it is a danger of liability to have public members attend negotiations,” said Berry. “This could involve the District being involved in a costly court case.”

Jane Cunningham who had been sitting back with her arms crossed as the lawyers bickered back and forth, spoke up.



Jane Cunningham while listening to the whining of the firefighter’s union lawyer before having enough and speaking.

“To exclude the public from negotiations on how we are spending their money is not what the public wants,” she said. “We are trying to open as much of our meetings as we can. This is something we are negotiating in public,” proclaimed Cunningham.

With that Berry made a simple proposal for a new 3-year contract starting in January of 2014.

“The union’s proposal is the current existing contract,” he said.

Remember this contract was done when there was a pro-union majority on the fire district’s board. It is a pretty sweet contract and the current board is digging in to be more fiscally conservative with their proposal which we received a copy of.

BENEFITS:

Payroll Deductions for union dues: Currently the district withholds union dues from employees’ paychecks. Under the district’s proposal this practice would be stopped and firefighters would have to pay their union dues themselves.

Union Meetings at Firehouses: In the current contract union meetings can be held at taxpayer’s buildings such as firehouses. This would be eliminated in the new proposal from the District.

Shop Stewards Reports: The District new proposal would eliminate the right for the union to present shop steward reports at District meetings.

Change in Working Conditions: If the District must change rights or privileges for firefighters currently, the Union must be notified 20 days in advance of any change. The Board is proposing making the notification period 14 days.

Overtime: Here is an area where the Board may have some serious problems. Overtime pay is 1 ½ times the base rate. The Board wants to reduce that to straight time. This would reduce overall costs considerably, but I think even many of the more conservative residents of the district would agree that 1 ½ times pay for working overtime on your normal time off is reasonable. Even if you have to fill a 24-hour shift, you are still saving on paying benefits if you had to hire a new employee.

Layoffs: The District wants to take the best approach to layoffs while the Union wants it to remain old school which can result in the detriment to operations (fighting fires and providing emergency medical responses). The current contract says layoffs will be

based on seniority. The District wants it base on performance evaluations. This is the trend in the 21st century for the private sector and is moving into public sector jobs also.

Grievances: Currently if a grievance is not settled satisfactory, the Union can take it to non-binding arbitration. That is sweet for the union. If they don't like the ruling of the District they can appeal it to a non-binding arbitrator and if they then don't like the arbitrator's decision and they lose they can ignore it. The district wants to eliminate this all together.

Free Coffee, Tea, Hot chocolate and Phones: Unbelievable, but under the current contract the Fire District has to provide free coffee, tea and hot chocolate to all firefighters and paramedics, plus two outside telephone lines at every firehouse for incoming and outgoing personal phone calls. The District proposes to continue to provide free coffee, tea and hot chocolate, but wants to drop the phone lines. I have a feeling every firefighter and paramedic has cell phones and cell service is available throughout the district. The Union's proposal is to keep this outrageous waste of money.

Uniforms: Currently in the contract employees "may" wear a union patch. The District wants to eliminate this. It is the district's uniform provided to their employees and this seems perfectly reasonable.

Holidays: Under the current contract Union members get holidays that until recently have never been holidays. The Board, quite properly wants to take those days back.

The board wants the following to be holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Easter
- Memorial Day
- July fourth
- Labor Day
- Thanksgiving
- Christmas Day

The Union wants to keep these extra holidays they were recently given and the Board wants to eliminate them:

- Veteran's day
- Day after Thanksgiving

Christmas Eve
New Year's Eve day

I might see an argument for keeping Veterans Day. However if employee's want the day after Thanksgiving, Christmas Eve and New Year's Eve off they can do what people have done for years...use a vacation day.

I have firsthand experience having worked in public safety for 30 years that these other three days are all busier than usual (Christmas Eve is busy until 6pm).

Injured on the job: Currently firefighters get 16 weeks (4 months) of free time off if injured on the job! As a former police officer I didn't get this. We used our sick time or went directly onto Worker's Comp. The Fire District pays for worker's comp insurance but the contract delays it being used. Even with this provision in recent years the work comp loss rate has been off the charts at Monarch. The District wants them to use sick time or go to workers comp.

Sick Time: Currently the Union members can sell sick time not used back to the District. This is an out and out outrage. Sick time is there as a cushion in case you get sick or injured. It is not there as a financial bonus. Getting paid for unused vacation time at the time of separation is one thing, but sick leave should go for one thing only, if you are sick or injured and cannot report to work.

Kelly days: These are an age-old custom associate with fire departments of comp time or extra vacation days. The district wants to eliminate the 3-Kelly Days given annually.

Pay: The pay rates under the District proposed budget would be the same as the current rates, which are some of the highest in the region. The District and the Union both were fine with the current pay schedule.

WEAPONS, CCW PERMIT ADDED TO THE 90 MINUTES DELAY:

Proposals were not exchanged or discussed for the first 70-minutes of the negotiations. As we mentioned the Union's outrage at the meeting being open to the public ate up lots of time. The other issue involved who was carrying a gun.

Robin Harris is a senior airline pilot and I believe he has a FAA conceal weapon carry permit that allows him to carry a concealed pistol on board an aircraft which he is flying. This allows a pilot to shoot and kill any terrorist or other crazy person trying to break their way into an airliner's cockpit to get to the pilots. Thousands of pilots have such permits.



Harris may also have a Missouri CCW permit.

Rick Barry the Local 2665 labor attorney voiced a safety concern at the meeting and said he was concerned about people at the meeting having firearms.

Robin Harris offered to have metal detectors set up for the next meeting and have the off-duty County Police Officer scan for weapons.



Robin Harris responds to demands from Rick Berry.

This did not satisfy Berry who asked who was carrying firearms in the room. Well, the County Police officer certainly was as we could see it on this right hip.

Berry finally asked Harris point blank if he was carrying a gun.

Harris: The conceal carry law entitles board members to carry a weapon. Are your members carrying a knife?

Berry: If I consent to a pat down by the county police officer will you? What we are asking is that you don't carry a weapon or firearm. We are asking you to take your gun out to your car.

Harris: Anything I have on me would be in accordance with Missouri Law.

Berry: Let's say there is a State law or a Federal Law or a District policy. My clients are concerned that they are sitting across the table with someone who is armed.

This appears to be an excellent way to start a negotiation, tell one of the leaders of the other side you are afraid they will shoot you. Interesting strategy!

The Monarch employee at the table, firefighter Brent Coleman was a breath of fresh air during the 90-minute session. He spoke toward the end and was polite, was not argumentative or demanding. He simply said the District's proposal would be reviewed as soon as possible. He also said he understood and was sympathetic with some of the hurdles the District had in getting back to them due to Sunshine law meeting posting requirements.

THE BACK STORY The end of the current 3-year contract has one sweetheart deal for the Union. It says:

This Agreement shall remain in effect during good faith negotiations and shall continue to remain in full force and effect until such time a new Agreement is agreed upon.

So in 2011, the old board added something that forces the new board to abide or fulfill something they are opposed to. Some think the Union might drag their feet or fail to negotiate in good faith and force this clause into effect and keep their free phone lines, union meetings at fire stations, costly holiday and sick pay plans, seniority based layoffs and other perks that cost the taxpayers.

If it would occur the District could take the matter to Circuit Court and let a judge decide. That might be penny wise and pound foolish for the Union.

OTHER OBSERVATIONS FROM THE MONARCH MEETING:

Dissing the reporter: Rebecca Roberts from KTVI/KPLR was at the meeting early and wanted to do an interview with Robin Harris before the meeting started. Harris then

asked her what TV station she was with. So much for making an impression with newsmakers. I shouted to her, “Hey, Rebecca I know who you are!”



Actually when I’m not paying close attention to the TV and Roberts is doing a standup in the field and I glance, I think she might be Melanie Moon. But then she speaks and doesn’t make several errors in her first couple of sentences and I realize it is Rebecca. (FYI Roberts is a graduate of Duke with a degree in Psychology with a minor in Political Science. She last worked in Huntsville, Alabama. She grew up in Englewood, New Jersey and is another example of how there are apparently not any people qualified to do TV news from Missouri or the St. Louis area.)



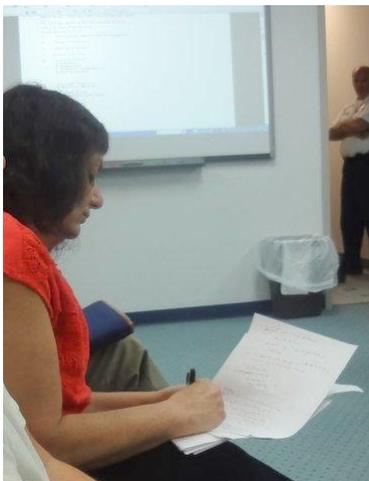
This is Melanie Moon who I sometimes confuse Roberts with until one of them begins to speak. She is from St. Petersburg, Florida. She has apparently been working in St. Louis long enough that she can probably find O’Connell’s Pub. Melanie is additional proof that there are no talented people with journalism degrees from St. Louis.

FIRE CODE VIOLATION? Roberts didn’t want to do the interview in the Board chambers and asked if Harris and Cunningham could do it outside. Blocking the ingress and egress of a public building...isn’t that a fire code violation?



Rebecca Roberts gets ready to interview Robin Harris and Jane Cunningham while block the entrance to the District Headquarters.

IS THE POST-DISPATCH RUNNING OUT OF REPORTER NOTEBOOKS? Margaret Gillerman was covering the meeting for the Post-Dispatch. I noticed that she didn't have a notebook and instead was using the backs of printed agendas that were available for the public. I always see this being done by PD stringer Sterling Levy who is too cheap to buy notebooks, but Gillerman is a longtime PD staffer. I asked her if the Post-Dispatch had quit supplying reporter notebooks. She said she had left hers in the car and didn't want to miss anything by going back out to get it. Thank goodness she remembered her pen. (Margaret didn't stick around for the real news and just wrote a story on the pink t-shirts...but it was a balanced story.)



Post-Dispatch reporter Margaret Gillerman scribbling frantically on the back of agenda copies.

POLICE CHIEF IN THE CROSSFIRE FROM THE LEFT AND THE RIGHT:

Senior City Councilman Barry Flachsbart owes Police Chief Ray Johnson at least a nice lunch for what he did to him on Thursday. Flachsbart is the chairman of the city's Public Health and Safety Committee. It would be called the Police Commission in many other cities. Flachsbart is also a professor at the University of Missouri Science and Technology. IN other words he is a bit of geek and is into high tech gadgets.

I have to think that Barry put on the agenda a report from Police Chief Ray Johnson on the department's license plate readers and covert cameras thinking if they were successful perhaps more should be funded. Just the opposite happened.



Barry Flachsbart at the start of the meeting reading

from the agenda.

The chief talked about the two cars equipped with four cameras that read license plates on cars that approach the police cars and plates on cars parked on both sides of the patrol car and sets off an alarm if there is a license plate entered as a stolen car or associated with an active arrest warrant.

I have written in the past how it is the wealthy communities that can buy these types of devices, but it is the police officers in the poorer communities that need them. People who steal cars in Chesterfield (and there are not very many cars stolen in Chesterfield) don't hang around Chesterfield. They head to rural Jefferson County, North St. Louis or North St. Louis County. The majority of the license plates hits they get in places like Chesterfield and Town and Country are for people who did not appear in court for traffic violations and have arrest warrants issued, usually from a North County municipality.

For example in December of 2012 the two patrol cars equipped with the license plate system scanned tens of thousands of license plates, got 107 hits that were all minor bench warrants for not coming to court and made a total of one arrest. Each reader

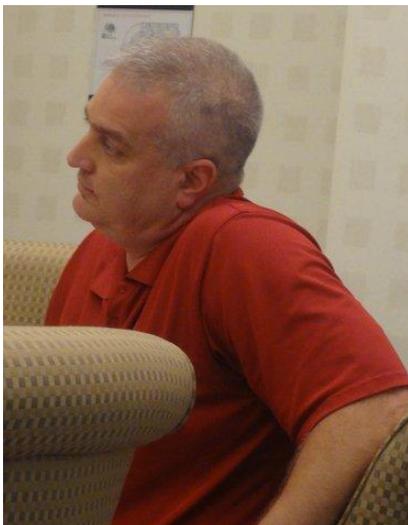
costs about \$15,000. I am not sure that is cost effective. Of course if you would drive the car with the reader down the streets of Pine Lawn (referred in police circles as Crime Lawn) you would get lots more hits and arrests.

Chief Johnson explained that by policy officers can only “sit-on” a vehicle with a minor warrant for 10 minutes waiting for driver to return unless they get permission from a supervisor to keep it under surveillance longer.

In one year the department scanned 209,000 license plates, got 1,700 hits and made 17 arrests. Again I’m not sure how cost effective this is.

SHOTS FROM THE LEFT: However Councilman Bruce DeGroot who is also a business attorney took the side of someone from the ACLU.

DeGroot asked what keeps an officer who hates brown eyed people from consistently patrolling Chesterfield Farms subdivision because he knows there are almost all brown eyed people who lived there. People started to stare at him and he then changed “brown eyed people” to “an area that is more ethnic than others.” (I think he may have made a serious PC slip with “more ethnic.”)



DeGroot after announcing he was “totally against the license plate reader system used by the police.

Chief Johnson said they had a policy against anyone doing that.

DeGroot then went on a “police profiling” rant. He said when he has gone to the courtroom that hears West County cases he always sees more blacks. I tried to explain to him after the meeting that it was because of socio-economics and not racial profiling. Poorer people will have more expired license plates, be drug addicts and come to malls

to steal and not go to court because they don't have money to pay speeding tickets and then have Failure to Appear warrants issued against them.

In fact in June 2013 I crunched the numbers of traffic stops in St. Louis County by race and found that Chesterfield had one of the lowest rates of blacks stopped in West County, that the police were stopping a larger percentage of whites than the white population base. However Pine Lawn with a white population of 1% had whites make up 24% of the traffic stops. (Pine Lawn runs radar on I-70 to collect revenue.)

http://johnhoffmann.net/chesterfield_34.pdf

DeGroot was fired up on this issue and it did not look like Chief Johnson could convince him that racial profiling isn't happening now or that it wouldn't be happening in the future.

At one point Councilman Derek Grier asked if this isn't sensitive information that should be discussed in closed session. I was the only member of the public in the room. Chief Johnson immediately said that this technology and the issues that come with it are well known by some members of the public. (Thank you Chief Johnson...from someone who covered the Justice Department and Congress for Law Enforcement magazines...Give me a break Derek!)

Trying to take some heat off of the Chief, Barry Flachsbart said, "I think this is a great tool."

DeGroot responded, "This thing scares the bejezzes out of me. I'm totally against it."

Sometimes people accuse conservatives of wanting to live in the stoneage. Here is a case of someone taking a liberal position who wants to stop technology.

First Chief Johnson said how all the license plates scanned by the cameras are stored for three months and can be used as an investigative tool if a crime occurs in an area when the car recently patrolled.

SHOT FROM THE RIGHT: That got Dan Hurt to comment it sounded like the city was spying on the residents and he had a serious problem with that.

Councilman Hurt has got him antenna up after Johnson was talking about how all the cars have in dash camera that now record constantly, but images are only saved by request, if the red lights are turned on, if the patrol car is going faster than 70mph or if the officer in the car hits a button. He added if no attempt to save video is made it will be evidentially recorded over after a period of time.

Hurt wanted policy concerning the use of the dash camera and saving video. He also wanted more policy written and more review to be done before stationary covert surveillance cameras are set up.

“We only use these on public property or private property that is open to the public with no expectation of privacy,” said Chief Johnson, such as at parking lots where there have been car break-ins.

Hurt wants policy where reasons for the camera use must be in writing and reviewed by members of the command staff. He likened it to the FBI getting a wiretap warrant.

What started out as a friendly little meeting turned into Chief Johnson being on the hot seat. Frankly other than some labor issues early on, Ray Johnson has run a pretty clean ship in the last 24 years.

While many of us, especially with years in the police management business think these video cameras protect police agencies against false charges or lawsuits made by arrestees, they also are used as an “Internal Affairs” monitor on all officers’ actions.

COMMITTEE VOTES TO STOP FEEDING ALL WILDLIFE...except at your birdfeeder: The first order of business was to recommend the No Feeding Wildlife ordinance be expanded. Due to citizen complaints of neighbors feeding raccoons, opossums, squirrels and other furry creatures the committee looked at expanding the ordinance which only prohibits feeding deer and Canadian Geese.



Feeding deer is outlawed but birds are okay, unless they are geese.



Amendment to an ordinance would mean no feeding Rocky raccoon or squirrels.

A vote was taken to simply make it illegal to feed all wildlife except birds other than Canadian geese. It passed 4-0.



This was a happier time at the committee meeting, joking about the problems of enforcing a ban on feeding wildlife.

I have to wonder how the two most dangerous men in Chesterfield, Judge Rick “Let em Loose” and prosecutor Tim “I’ll Reduce Anything” Englemeyer will react to the new ordinance. I can see reducing shoplifting charges to “Feeding Squirrels,” but what do you reduce a “Feeding Squirrels” charge to?

MORE ELLISVILLE PROBLEMS PART 1

This originally appeared in Ex-Alderman Newsletter #99

ELLISVILLE MAYOR RECEIVES FAKE SUBPEONA’S FROM TOWN AND COUNTRY MAYOR’S LAW FIRM...IS THE GODFATHER IS MOVING INTO ELLISVILLE?

For regular readers of this newsletter these facts are not new. Jon Dalton, the mayor of Town and Country, a longtime cigarette lobbyist in Jefferson City is a partner in the law firm of Lewis-Rice. Dalton helped formed two limited liability corporations (LLCs) that were set up to develop property along South Broadway just south of downtown St. Louis.

He was the front man for these LLCs and he was instrumental in beginning eminent domain proceedings against widow Opal Henderson, with his law firm Lewis-Rice representing the St. Louis Land Clearance Authority in snatching then 78-year-old Henderson’s business and property for an under-funded nightclub district. They also sued a Catholic Sacred Heart Order of nuns and even Ste. Rose Duchesne (whose name is on a property deed from the early 1800s).

After Henderson was forced to give up her 60-year-old family business (a salvage yard) she sued claiming she was low-balled. A court awarded her \$800,000 but the

defendants appealed and in general did not pay. Her lawyer, Chet Pleban sued the principles in Federal Court including Jon Dalton, partner of Lewis-Rice. Finally in June of 2012 the Snidley Whiplashes paid Henderson her \$800,000 plus interest. The entertainment district was never built.



Mayor/Cigarette Lobbyist Dalton



Snidely Whiplash



Widow Opal Henderson holding her check

Dalton just went after three families (as Henderson employed her two adult sons), now another Lewis-Rice attorney is going after multiple families and appears to have taken over the role of Robert Duvall's character Tom Hagen, the Corleone family's consigliere in the Godfather in a new drama set in Ellisville. The attorney is John Hessel, who was considered a hero after surviving the shootings by Cookie Thornton during the Kirkwood City Council meeting shooting in 2008 where he was the city attorney. Hessel threw chairs at Thornton while also escaping the council room.



John Hessel appears to have taken on the job of Tom Hagen.



Now Hessel is representing The Sansone Group which is trying to use a TIF given by a former city council in Ellisville that wants to put a Walmart store on Manchester just west of Kieffer Creek Road.

Mayor Adam Paul, a reform candidate who ran on an anti-TIF platform won and 11 months later was impeached by a council that was about to be replaced with Paul supporters in the April election. Paul was reinstated by a circuit court judge.

Paul and his group of councilpersons represented a threat to the project. At one meeting Hessel showed up and threatened to sue each councilperson individually if they voted to revoke the development deal. Some on the Council felt Sansone had violated the agreement by not purchasing all the property they needed by a specific deadline.

The threat by Hessel made its mark. In June Councilwoman Linda Reel, a member of Mayor Paul's 4-to-3 majority against the Walmart TIF stated that Hessel's threat to sue her frightened her and she and her husband were pensioners and could not afford to be personally sued.

Walmart had not been able to purchase all of the Clarkchester Apartments, home to over 200 Ellisville residents. The city council was in the midst of cancelling the development deal with Sansone for not meeting their July deadline to have all property purchased.

By September 6 Walmart announced they were pulling out of the Ellisville deal. Many longtime Clarkchester apartment residents breathed a sigh of relief about not having to relocate.

However Sansone had sunk a lot of money into the project including buying some land they would now be stuck with.

20 days after saying they were no longer interested in building a store in the Sansone Ellisville development, Walmart did an about face and through Sansone announced they were back in.

A Walmart spokeswoman said, "Walmart remains interested in being part of the Ellisville community." Now the residents at Clarkchester have their lives back in turmoil.

Hessel admitted that Sansone met with Walmart and convinced them the city council could not revoke the building permits. I hope there were no horse heads in anyone's bed.

Ellisville Mayor Adam Paul told us that he wasn't surprised this happened.

"Sansone spent \$40-to-\$50,000 doing mail and phone surveys of residents trying to get support for the Walmart. Sansone is trying to raise the Titanic," said Paul.

Everyone forgets that this did not start out as an anti-Walmart issue. It was an anti-TIF funding issue, with the thought that Walmart and Sansone should finance the development and not the taxpayers. However that may have shifted. With Walmart pulling out allowing the long time residents of Clarkchester to breath-easy and then suddenly announcing 20 days later that they are back in is a cruel thing to do to over 200 people.

I have been a regular shopper at WalMart and I am going to have to rethink about if I can go to Target or Costco to purchase some things I would normally buy at Walmart.

THE FAKE SUBPEONA'S: Then there is the case of the fake subpoenas issued to Mayor Paul to appear at a Lewis-Rice office on Monday September 23 to give a deposition .

The first subpoena served on the city claimed the subpoena had been issued by the City of Ellisville. The City of Ellisville had not issue a subpoena to its mayor. There were simple spelling mistakes, false claims about who issued the subpoena and incorrect ordinance numbers.

Did they mean Council?
Lewis, Rice, Fingersh is NOT legal counsel for Ellisville.

BEFORE **COUNSEL** OF THE CITY OF ELLISVILLE
ST. LOUIS, MISSOURI

IN THE MATTER OF: September 18, 2013
Date

REVOCAION OF CONDITIONAL
USE PERMIT AUTHORIZED
BY ORDINANCE **#3083**
Ordinance **#3803**
Southwest Clarkson & Manchester
Redevelopment Area
Redevelopment Project Area 1

The correct ordinance
number for the
Redevelopment
Agreement is #3070.

SUBPOENA FOR TAKING DEPOSITION
(FOR USE PURSUANT TO RULE 57.09)

THE CITY OF ELLISVILLE TO: Adam Q. Paul
1194 Oak Hill Court
Ellisville, Missouri 63021
(or wherever he can be found)
**The City Council never voted
to issue a subpoena to the Mayor.**

YOU ARE HEREBY COMMANDED TO APPEAR at the following place on the date and at the
time indicated below:

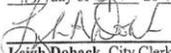
Place of deposition: Lewis, Rice & Fingersh
12935 North Outer Forty
Suite 210
St. Louis, Missouri 63141

Date of deposition: Monday, September 23, 2013

Time of deposition: 9:30 A.M.

To give testimony in the above cause pending before the Council of the City of Ellisville

To produce the following books, papers, documents, or tangible things: _____

WITNESS, Leigh Dohack, Clerk of the City of
Ellisville, Missouri, with the seal thereof hereto
affixed, at Ellisville, in the County of St. Louis, this
18th day of Sept 20 13

Leigh Dohack, City Clerk

SPECIAL NEEDS: If you have special needs addressed by the Americans with Disabilities
Act, please notify the party in whose office you are to appear for the deposition.

That first subpoena was followed up by a second to Mayor Paul. This one had printed that it was issued by the Circuit court of St. Louis County. That was then scratched out and written in pen was the claim it was issued by the City of Ellisville. Again the City of Ellisville did not issue any subpoenas. This was a case of Sansone using their lawyer and Lewis-Rice to intimidate officials. The City of Ellisville and Mayor Paul got the subpoenas squashed.

In the Ellisville City Council
CIRCUIT COURT
 Of St. Louis County, Missouri

In the Matter of: Revocation of conditional use permit authorized by ordinance #3083
 Plaintiff(s) _____
 vs. _____
 Defendant(s) _____

9/20/13
 Date _____

Division _____

For File Stamp Only

Scratching out Circuit Courts and writing in City of Ellisville does not make this a valid document.

SUBPOENA FOR TAKING DEPOSITION*
 (FOR USE PURSUANT TO RULES 57.09 & 58.02 IN AN ACTION PENDING IN THE CIRCUIT COURT OF ST. LOUIS COUNTY)

THE STATE OF MISSOURI to: Adam Q. Paul
 1194 Oak Hill Court
 Ellisville, Missouri 63021
 (or wherever he can be found)

There was no action in Circuit Court re: revocation of Conditional Use Permit for Sansone/Walmart.

YOU ARE HEREBY COMMANDED TO:

APPEAR at the following place on the date and at the time indicated below:

Place of deposition: Lewis, Rice & Fingersh
 12935 North Outer Forty
 Suite 210
 St. Louis, Missouri 63141
Contact: John Hesse | (314) 444-7775

Date of deposition: Monday, September 23, 2013
 Time of deposition: 9:30 A.M.

CONTACT _____ (name) or _____ (telephone) who will advise of the place to appear.
 On behalf of _____
 To give testimony in the above cause pending in the Circuit Court of St. Louis County, Ellisville city council
 To produce the following books, papers, documents, or tangible things: ** _____

Scratching out Circuit Court doesn't make it valid.

SPECIAL NEEDS: If you have special needs addressed by the Americans with Disabilities Act, please notify the party in whose office you are to appear for the deposition

WITNESS, Joan M. Gilmer, Clerk of the Circuit Court, with the seal thereof hereto affixed, at Clayton, in the County of St. Louis, this _____ day of _____, 20____.

Ms. Gilmer is not the Ellisville City Clerk.

Joan M. Gilmer
 JOAN M. GILMER, Circuit Clerk

CCCDT37 Rev 06/12

First the Sansone family is involved with a FBI investigation of graft in the awarding of a police contract and a subcontract issued to a company owned by Gregory Sansone, who had been the president of the police board at the time. Gregory is also on the board of the Sansone Group.

Now the Sansone family is back at it trying to force hundreds of people from their homes and they have reached out to Lewis-Rice, a law firm with an excellent of screwing the little guy to help them.

MORE ELLISVILLE PROBLEMS PART 2: LEWIS-RICE

LAWYER IS FIRED: Apparently Walmart and I share one similar opinion...we don't care for the lawyer hired by the Sansone Group to deal with the TIF and Ellisville's desire to revoke the conditional use permit to build the Walmart shopping center.

John Hessel's fake subpoenas and threats to councilpersons apparently got Walmart's attention. Hessel's actions may be the way the Sansone Family likes to do business but it is even an ethical problem for the "Boys from Bentonville."

The Public Hearing to revoke the CUP scheduled Wednesday night October 2 was indefinitely postponed. After the council meeting Mayor Adam Paul told reporters that the request to delay the hearing was because Walmart refused to go ahead with the hearing if Sansone was represented by John Hessel.

The city council meeting went on and proved to be something different. In the past Ellisville city council meetings I have attended almost all of the members of the community wishing to speak were in favor of Adam Paul and against the TIF deal for Sansone and the Walmart project.

At the last meeting in September two of the Sansone brothers appeared with Hessel. Reports were the Sansones would tell people speaking against the project to "shut up" and they didn't know what they were talking about.

Apparently on Wednesday no one got the word out to people showing up that the public hearing and possible vote to revoke the Conditional Use Permit for the Walmart had been called off. Many stayed and spoke. The first three speakers were in favor of the Walmart store. I began to smell a rat.

Several of the new speakers had deals to sell property to Sansone brothers and needed the project to continue to get any money. Many of the speakers were reading scripts that appeared to have the same font.

The Clarkchester Apartments consist of 25 multiple family apartment buildings with many different owners. Sansone needs to buy these for the Walmart project.

Several apartment building owners spoke of having 70-percent vacancies due to the Walmart project. Another spoke of four tenants who are four-to-six months behind in rent. They both spoke of the need to sell the property for the Walmart store.

Three people who spoke in favor of the Walmart store did not live in Ellisville. Two owned property (an apartment building and a car lot) that they wanted to sell to Sansone.

However an apartment owner and a manager spoke against the development. The manager who was against the Walmart project and wanted to see the CUP revoked said his four buildings had 100-percent occupancy and were in good condition.

Several speakers said how Walmart would bring new jobs and growth to Ellisville. Another person said the jobs would be minimum wage and would likely attract workers who would bring problems to Ellisville.

The one speaker who I took notice of was the first person to speak. He was Robert Kelly, of the Royal Gate Dodge dealership on Manchester well east of the proposed project. Kelly said he supported the Walmart project and said Ellisville needed to replace all the empty buildings in town.

He then lit into city officials saying they were anti-business by not allowing more signs, banners and balloons.

There are still eight large scale car dealers in Ellisville. The last thing you need are more balloons, banners, flags and signs along Manchester Road. However Kelly's comments brought back something said to me around 1970 by a successful Webster Groves merchant about local political issues.

"You want to stay out of local politics. If your man or issue wins by a landslide with 70% of the vote, you have still pissed off 30% of your potential local customers," he said.

I think Kelly should heed this advice since Adam Paul carried 44% of the vote in a four-way race in 2012 and his popularity has seem to have grown over the ridiculous attempt to remove him from office by an impeachment that cost taxpayers over \$100,000.

OTHER OBSERVATIONS:

NEWS REPORTERS LOCKED OUT: Stephen Deere of the Post-Dispatch usually covers the mess in Ellisville but last week it was Margaret Gillerman who we had seen the night before at the Monarch meeting. I wasn't aware that Margaret was even there until the city clerk called her name from the speaker card and she was allowed in the SRO council chambers. Margaret complained that the city needed to set aside seats for the media as she and a TV reporter were not allowed in after the chambers reached capacity.

Here is the thing...Stephen Deere and I have been aware how fast the Ellisville Council Chambers fills up and normally show up 45-to-60 minutes before a meeting. I showed

up 25 minutes before this meeting and stood next to the rear wall. A reporter from KMOX and Greg Palermo of Patch on one of his last stories also made it before the “No Admittance” sign went up.

SIGNS OF SUPPORT: The Sansone people did not have two things. First no one for the Walmart project was speaking during the public comment section about how rudely they had been treated at the prior meeting. But they anti-Walmart TIF development folks certainly mentioned their rude treatment by the Sansones.

Secondly Sansone did not have people with signs standing outside of the city hall. The anti-TIF/Pro-Adam Paul people were there.



AN EXERCISE IN POLITENESS AND ONE IN RUDENESS: There was some interesting dynamics going on in the council chambers during the public comment section. People speaking for the Walmart development had everyone’s attention even the four members against the project. However if someone spoke against the TIF and the development Councilman Matt Pirrello would ignore them and act like he was reading some papers.



MORE TROUBLE AT PATCH.COM: If it was bad enough there were more layoffs in



August and then the announcement everyone left would be out of a job on October 15, because they will be shutting down the St. Louis operation...there was still the looming lawsuit.

Regional editor and Chesterfield resident Kurt Greenbaum along with a former Patch employee, Ryan Martin, who was laid off this summer, have been sued by the person who was running the Arnold patch.com site, who was later fired. The former Arnold editor Michael T. De Los Reyes is claiming discrimination and wrongful discharge.

Martin started off at Patch.com in 2010 as the editor of the Brentwood-Maplewood patch.com site. He was like many of the low paid Patch employees,...just out of college without much experience. With two years experience at Patch, during the restructuring period earlier in 2013 that also involved layoffs, Martin was promoted to a combination editorial and supervisory position. He had the Arnold Patch under his control. We hear that he and De Los Reyes had a rocky relationship. His "LinkedIn" bio lists a lot of intern and part time web jobs he had before joining patch.com. It doesn't mention the lawsuit. After his layoff Martin got a job at a small Indiana newspaper.



Ryan Martin



Kurt Greenbaum

We have to wonder what patch.com was even doing with an Arnold site. Patch has a history of setting up sites on the East and West Coasts in more affluent areas. For instance there is lots of news in Pagedale, Pine Lawn and Wellston, but there were no Patch sites. There is little news in Frontenac or Ladue (except when August Busch IV is involved with another dead woman) but there has been a patch site in those towns since day-one of the St. Louis region of sites.

Greenbaum is perhaps most famous when he was at the Post-Dispatch as a social media editor trying to get more reader interaction with the StLToday.com website. He once asked for readers comments on a non-news item involving food. Someone sent a comment that was obscene by Post-Dispatch standards (probably OK by Riverfront Times standards) and Greenbaum deleted it. The reader resubmitted it. Rather than just blocking the reader's email to the site, Greenbaum could see it was sent from a school's IP address. He called the school and complained and the reader who he had solicited comments from was fired.

A national media blog site this week reported that some of the shutdowns of Patch sites scheduled for October 15 will be moved up to October 7. That was followed by a Patch.com home office executive posting on the Webster Groves Patch site that it would cease operating on October 7. It appears as if the other sites would be shut down between October 7 and October 15.

<http://jimromenesko.com/2013/09/28/memo-regretfully-a-number-of-patches-will-have-to-be-closed/>



Soon the Patch is going to be cut.

Only Greg Palermo, who ran the Creve Coeur and the Ballwin-Ellisville sites still actually appears to be out in the field reporting. The rest of the sites seem to be posting free blogger information, press releases and government handouts.

IT WAS THE BEST OF TIMES...IT WAS THE WORST OF

TIMES: Right here in St. Louis a Dickens type of situation. With the continued success of the Cardinals over the last 13 years my friends in the music business have an unusual rooting style. If they have any gigs booked downtown they are huge Cardinals fans. However if most of their October bookings are in the county they are now hoping for the Cards to miss the playoffs or get eliminated early.



“While things are hoping downtown the county becomes a ghost town,” one musician told me. “Restaurants, bars and clubs in the county lose some serious money if the Cardinals make it to the World Series. Either people are downtown or they are staying at home to watch the games.”

Of course this will not be a problem during the early rounds. With St. Louis and Pittsburgh considered “small markets” the networks will more often than not opt to have the Cardinal games on during the daytime or even worse on the MLB Network, which many people don’t receive. .

MUSIC: Last Wednesday at Sasha’s in Clayton we had a couple folks sitting in.



Andy Schiefelbein on the bass trombone.



Zack Hall on the trumpet



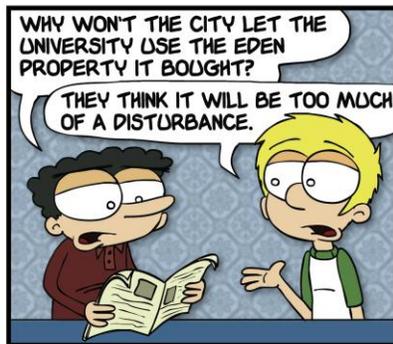
Chris Swan and Jim Manley the Wednesday night regulars. Vanessa Fralick also stopped by Sasha’s. Vanessa was an associate principal trombone player with the SLSO from 2010 to July of 2013. She recently took a job with the Toronto Symphony, but returned this week to join the trombone section of the SLSO for the weekend’s Gershwin concert.

ESPINOS IN CHESTERFIELD...FRIDAY:



Chris "Lupy" Swan who is often on the keyboard at Sasha's on Wednesday, was at Espinos in Chesterfield Valley on Friday night. In his last set Chris was laying down some excellent jazz piano work and vocals of songs from musicals ranging from Brigadoon to the Music Man.

CARTOONS: Our first cartoon is from the Webster University student paper "The Journal" and deals with the City of Webster Groves blocking Webster U from buying a portion of the Eden Seminary property and moving some offices and classrooms across Lockwood Avenue.



FACEBOOK.COM/ONTHEQUAD



**ON THE QUAD
BY MIKE DILIBERTO**



IN THE BLEACHERS

BY STEVE MOORE

