

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, DECEMBER 14, 2009, AT THE VILLAGE HALL, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 7:30 p.m. by Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Paul Schoenbeck, Sandra O'Connor, Timothy McMahon and President Napoli. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney William Hennessy, Interim Village Administrator Larry Maholland, Chief of Police Edward Konstanty, Director of Municipal Services Timothy Halik, Director of Finance Sue Stanish, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli asked everyone to join him in saying the Pledge of Allegiance.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - November 23, 2009 (APPROVE)
- c. Minutes - Executive Session - April 14, 2008 (APPROVE)
- d. Minutes - Executive Session - April 28, 2008 (APPROVE)
- e. Minutes - Executive Session - February 26, 2009 (APPROVE)
- f. Minutes - Executive Session - March 9, 2009 (APPROVE)
- g. Minutes - Executive Session - April 13, 2009 (APPROVE)
- h. Minutes - Executive Session - May 11, 2009 (APPROVE)
- i. Minutes - Executive Session - May 26, 2009 (APPROVE)
- j. Warrants - December 14, 2009 - \$955,362.33 (APPROVE)

- k. Monthly Financial Report - November 30, 2009 - \$15,184,229.80 (ACCEPT)
- l. MOTION TO APPROVE - WATER TANK REHABILITATION PROJECT: PAYOUT #2 - FINAL PAYMENT, ERA VALDIVIA CONTRACTORS, INC. - \$9,450.00 (APPROVE)
- m. PROCLAMATION - RECOGNIZING DECEMBER AS NATIONAL DRUNK AND DRUGGED DRIVING (3-D) PREVENTION MONTH (APPROVE)
- n. PROCLAMATION - RECOGNIZING THE WILLOWBROOK/BURR RIDGE CHAMBER OF COMMERCE (APPROVE)
- o. PROCLAMATION - RECOGNIZING THE WILLOWBROOK-BURR RIDGE KIWANIS CLUB (APPROVE)

President Napoli asked if any Board member(s) wanted any item(s) removed from the Omnibus Vote Agenda for further discussion. Trustee Schoenbeck requested that Item 4j be removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Mistele, seconded by Trustee McMahon, to approve the Omnibus Vote Agenda exclusive of Item No. 4j.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

Trustee Schoenbeck requested that on page 7 of the Item 4j, Warrants, the invoice for the Law Offices of William Hennessy be removed for discussion in closed session.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to approve Item No. 4j exclusive of the invoice for the Law Offices of William Hennessy.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

- 5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person on agenda items only)

There was no visitors business.

6. ORDINANCE - AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A RECREATIONAL USE - WILLOWBROOK COURT - 633-639 Executive Drive

Planner Hage informed the Village Board that at its last meeting of December 2, 2009, the Plan Commission held a public hearing with regard to an application submitted by Dance Duo and DA Willowbrook for a Special Use Permit for a recreation use at 633-639 Executive Drive. Dance Duo would like to open a dance school within the 633-639 unit of Willowbrook Court. Staff reviewed the parking conditions onsite as well as the parking requirements and the school would only generate the need for nine parking spaces and would be operating off hours. Normally, the Board would consider the application in two steps. There will only be one meeting in December so staff is requesting the Board consider both the Plan Commission recommendation and vote on an approving ordinance at the meeting this evening.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to pass Ordinance No. 09-0-30.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

7. RESOLUTION - A RESOLUTION TO DESIGNATE FREEDOM OF INFORMATION OFFICERS UNDER THE ILLINOIS FREEDOM OF INFORMATION ACT

Clerk Hansen requested permission to combine Agenda Item Nos. 7 and 8.

Clerk Hansen informed the Village Board that as of January 1, 2010, new regulations take effect under the Illinois Freedom of Information Act (FOIA). The only thing the Board has to do at this point prior to January 2010 is to appoint officers and transmit that information as the Statute requires. The Open Meetings Act also requires an indication of appointment.

The recommendations for FOIA are Mary Partyka as FOIA Officer with three Deputies: Joanne Prible on the Administration side and Debbie Hahn and Lori Rinella on the Police Department side. For the Open Meetings Act, the Village Clerk as the Officer with Mary Partyka as the Deputy. Under both Acts, training will be necessary.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to adopt Resolution No. 09-R-58.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION TO DESIGNATE AN OPEN MEETINGS OFFICERS UNDER THE ILLINOIS OPEN MEETINGS ACT (CLERKS NOTE: SEE AGENDA ITEM NO. 7)

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to adopt Resolution No. 09-R-59.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

9. MOTION TO APPROVE - A MOTION TO APPROVE THE CALENDAR YEAR 2010 PAYMENT TO IRMA AND TO AUTHORIZE THE APPLICATION OF MONIES FROM THE VILLAGE'S EXCESS SURPLUS FUND TO THE 2010 PREMIUM AND TO APPROVE THE DISTRIBUTION OF THE CREDIT AMOUNT TO THE ELIGIBLE EMPLOYEES

Director Stanish informed the Village Board that IRMA issues an annual premium notice in December to the Village based upon each member's revenues and claims experience. The Village experienced an excellent loss history during calendar years 2006, 2007 and 2008 which enabled the Village to earn a credit for the 2010 calendar year. The estimated credit is \$9,168.

The Board annually considers approval of the annual premium to IRMA for continued liability insurance coverage. In addition, the Board must approve the credit being divided amongst the eligible employees.

Trustee Schoenbeck commented that he is not, not supporting the Safety Incentive program but he thought as times have gotten tough, the Village does put money in funds towards safety equipment for employees to work with; therefore, Trustee Schoenbeck believed that 50 percent of this incentive should go back to the taxpayers and into the Village coffers and 50 percent does deserve to go to the employees. He did not feel it

was appropriate for it to go to the employees and nothing back to the taxpayers and was not in favor of it at 100 percent.

President Napoli requested Director Stanish to make note of Trustee Schoenbeck's concern for discussion during the budget negotiations for this year.

MOTION: Made by Trustee Baker, seconded by Trustee McMahon, to approve the Calendar Year 2010 Payment to IRMA and to Authorize the Application of Monies From the Village's Excess Surplus Fund to the 2010 Premium and to Approve the Distribution of the Credit Amount to the Eligible Employees.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, O'Connor and McMahon; NAYS: Trustee Schoenbeck; ABSENT: None.

MOTION DECLARED CARRIED

OLD BUSINESS

10. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Schoenbeck had no report.

Trustee O'Connor had no report.

Trustee McMahon had no report.

11. ATTORNEY'S REPORT

Village Attorney Hennessy had no report.

12. CLERK'S REPORT

Village Clerk Hansen noted that the Board had received a handful of Executive Session minutes this evening and that they will continue to do so for the next four meetings. Village Clerk Hansen informed that Board that we now have in our possession all the tapes from the previous Attorney.

13. ADMINISTRATOR'S REPORT

Administrator Maholland had no report.

14. PRESIDENT'S REPORT

President Napoli reminded the Board that this is the only meeting this month. In addition, the Board received notification of the 50<sup>th</sup> Anniversary celebration on January 17, 2010.

President Napoli asked Trustee Mistele if he had information on the Public Works building identification sign. Trustee Mistele responded they had talked about the ground sign out in the front of the facility but nothing on the building. In the past, President Napoli noted they had looked at doing both but now it is suggested to do only the one sign. Trustee Mistele responded correct and to his knowledge it is already in process.

15. EXECUTIVE SESSION

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to adjourn into Executive Session to discuss the at the hour of 7:58 p.m. to consider the following subjects as authorized exceptions to the Open Meetings Act:

- Complaints lodged against the performance of the Village Attorney, as authorized by 5 ILCS 120/2(c)(1);
- Probable and imminent litigation, as authorized by 5 ILCS 20/2(c)(11);
- Collective negotiating matters between the Village and the Fraternal Order of Police, as authorized by 5 ILCS 120/2(c)(2)
- Complaints lodged against the performance of the Village Chief of Police, as authorized by 5 ILCS 120/2(c)(1);
- Discuss Item 4j, the Village Attorney invoice.

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

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Village Board Minutes  
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\*\*\*SEE APPROPRIATE EXECUTIVE SESSION MINUTES\*\*\*

PRESENTED, READ and APPROVED,

\_\_\_\_\_, 2010

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Village President

Minutes transcribed by Mary Partyka.