

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JULY 28, 2008, 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 President Pro Tem Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Michael Mistele, Michael Brown, Paul Schoenbeck, Timothy McMahon and President Pro Tem Napoli. ABSENT: President Gary Pretzer. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Director of Municipal Services Timothy Halik, Deputy Chief Pat Foley, Deputy Chief Mark Shelton, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Pro Tem 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 - July 14, 2008 (APPROVE)
- c. Warrants - July 28, 2008 - \$246,246.42 (APPROVE)
- d. MOTION TO APPROVE - 75TH STREET WATER MAIN EXTENSION: PAYOUT #1 - PARTIAL PAYMENT: VIAN CONSTRUCTION, INC. - \$49,087.00 (APPROVE)
- e. MOTION TO APPROVE - MOTION TO APPROVE EXPENDITURE FOR THREE REPLACEMENT VEHICLES - CURRIE MOTORS - \$64,614.00 (APPROVE)

President Pro Tem Napoli asked if any Board Member wanted any item(s) removed from the Omnibus Vote Agenda. No Board Member wanted any item(s) removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to approve the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person)

Phyllis Zimmer, 6446 Tennessee Avenue, commented that the Village should not use her property for storm water runoff.

Carol Lazarski, 7748 Cherry Tree Lane, stated that the Village recently completed the roads in Farmingdale and wanted to thank Tim Halik for promptly answering all the questions she had. She also complimented the person in charge from K-Five Construction for keeping the residents informed every step through the project.

6. DELINQUENT WATER BILLS

Director Halik reported that there was one delinquent water bill in the amount of \$107.59 and requested permission to proceed as per Village policy.

7. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ACCEPT A PROPOSAL FOR FUEL PURCHASES - WARREN OIL COMPANY

Director Halik informed the Board that the Village currently maintains two separate fuel tanks on the Village Hall site, a 2,000 gallon unleaded tank and a 2,000 gallon diesel tank. The current fuel supplier is Avalon Petroleum. The Staff was recently approached by Warren Oil Company and met with their representatives on several occasions to review their service proposal. Under the current agreement with Avalon Petroleum, the Village pays 9.5 cents per gallon over the OPIS branded or unbranded cost of fuel at the time of tanker fueling. Warren Oil proposed to charge the Village 4 cents per gallon over the OPIS rack average cost. In addition, they proposed to install an automated tank level monitoring system at their own expense to insure we should never run out of fuel between deliveries.

MOTION: Made by Trustee Mistele, seconded by Trustee McMahon, to adopt Resolution No. 08-R-48.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A CONTRACT WITH GIANT MAINTENANCE & RESTORATION, INC. TO COMPLETE A FIRE HYDRANT PAINTING PROGRAM

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to adopt Resolution No. 08-R-49.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION REJECTING BIDS FOR COMMUNITY PARK BASKETBALL COURT REPLACEMENT PROJECT AND WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH CROWLEY-SHEPPARD ASPHALT, INC. FOR COMMUNITY PARK BASKETBALL COURT REPLACEMENT IN THE AMOUNT OF \$49,055

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to adopt Resolution No. 08-R-50.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

10. REPORT - WILLOWBROOK POLICE DEPARTMENT 2007 ANNUAL REPORT

Chief Konstanty provided the Board with an overview of the Willowbrook Police Department's 2007 Annual Report.

Administration

- The department continues to emphasize crime prevention with programs such as the Youth Photo ID, Senior Willowbrook Adults Connected (SWAC) in cooperation with the Parks Department and the distribution of glow stick necklaces.
- The department's civilian staff conducted 79 car seat inspections, which is a 70% increase compared to last year. The civilian Staff also participated in the Chicago Auto Show.
- Officer Oggerino is assigned to the DEA Interdiction Task Force for the past year. In addition to being involved in asset forfeiture drug money seizures, he is involved in the relationships with the Federal government and the assistance received in a number of cases has helped the department substantially.
- Tasers were purchased this year for the department.

- Commander Barnacle was selected to attend the National Fire Academy.

Operations

- Service calls increased by 3,117 over last year due to the department's increased accountability program.
- Index crimes increased by one (1) compared to last year.
- IVC citations increased as compared to last year. DUI enforcement, compromise citations and parking citations all decreased as compared to last year.
- Overall traffic accidents increased by 15% with the majority of the increase in the property damage category.
- Police Cadet Program has been very active. They participated in this year's conference in Colorado and four Cadets were awarded third place in the Rapid Deployment Response competition. In addition, the Cadets help with various programs with the Village.

Chief Konstanty thanked the Board for all their support of the department and its programs.

Trustee McMahon thanked Chief Konstanty for a great job and expressed his appreciation of all the hard work that has been done over the years.

Trustee McMahon asked for clarification as to the categories relating to serious criminal offenses: cleared by arrest, exceptionally cleared and administratively cleared.

Deputy Chief Foley responded that cleared by arrest is when the department actually had arrested somebody. Exceptionally cleared has several different categories where the victim refused to cooperate any longer. Administratively closed is when the department takes the case off the books.

Trustee McMahon noted the substantial increase in accidents on Kingery Highway and Plainfield Road and Kingery Highway and 75th Street which is basically the Town Center and asked how do you not think the Town Center is responsible? Chief Konstanty responded that during the time period there was a lot of construction with respect to the Town Center. Deputy Chief Shelton related that most of the accidents at Plainfield and Kingery Highway were to due to the turn lanes and increased traffic flow. There was no definable reason for the increase of the accidents at 75th Street.

Trustee Brown inquired of the status of the cameras to be installed along Route 83.

Chief Konstanty responded that the contracts were awarded to Laser Craft and the staff is currently working with the Department of Transportation to establish a permit for the Red Lights. An adjudication ordinance, the indemnification ordinance along with the selection of an adjudicator will be presented at an upcoming Board meeting. Once these three things are done, the next step would be to prepare a justification letter to the Illinois Department of Transportation.

Trustee Schoenbeck commented that the report is very organized and very well done. He noted that Chief Konstanty related that Officer Oggerino participated in two million dollars in asset forfeiture drug money seizures but in the agenda cover sheet it indicates five million dollars. Chief Konstanty responded it was five million dollars.

Trustee Schoenbeck further inquired with regard to the accident portion under Operations, if the Red Light Camera Enforcement would potentially reduce the number of accidents. Chief Konstanty responded that eventually it will; however, when the cameras are first installed, historically accidents increase until people get used to them.

Administrator Modaff informed the Board that based on national studies even by the Federal Transportation Department the most serious types of accidents at those intersections are the T-bone type accidents and typically there is a 20-40% reduction in these types of accidents. There may be a net increase in the stopping quick, bumping rear end type but there will be almost an immediate decrease in the more serious types of accidents.

11. ELECTION OF ACTING VILLAGE PRESIDENT TO FILL VACANCY ARISING FROM THE RESIGNATION OF GARY PRETZER

Attorney Good noted that President Pretzer recently submitted his resignation and it became effective at 7:40 p.m. today. Illinois State Statute dictates what must occur with the vacancy. The vacancy must be filled by the corporate authorities electing one of its members as Acting President. The Acting President shall perform the duties and possess all the rights and powers of the President until the President is elected at the next general municipal election. The election of an Acting President does not create a vacancy in the office of Trustee with respect to the person who has been elected as Acting Village President. The Trustee elected Acting Village President has a choice to resign from his position as Trustee or not. Unless the person resigns from the original office of Trustee following the election as Acting Village President, the Acting

Village President possesses and enforces all the laws and duties of Village President with one exception. The exception is that the Trustee does not have the veto power of a Village President but rather the Acting President continues to vote as Trustee and the Clerk will call the Acting Village President for a vote on all matters as when that person was Trustee. Attorney Good noted that if Trustee Napoli is elected this evening, it is his decision at this point not to resign from the office of Trustee. He would continue to vote as Trustee. At any point in time, should he determine to resign from his office of Trustee, then the duty would fall upon the Board to fill that vacancy. Attorney Good thought it would be appropriate to make a motion to elect Robert A. Napoli as Acting Village President.

MOTION: Made by Trustee Baker, seconded by Trustee Brown, to elect Robert A. Napoli as Acting Village President.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Schoenbeck, McMahon and Napoli; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

At this time, Village Clerk Hansen administered the Oath of Office to Acting Village President Robert A. Napoli.

OLD BUSINESS

12. COMMITTEE REPORTS

Trustee McMahon had no report.

Trustee Schoenbeck had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

Trustee Napoli had no report.

13. ATTORNEY'S REPORT

Village Attorney Good had no report.

14. CLERK'S REPORT

Village Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

Administrator Modaff informed the Board that an issue had been raised via email with regard to the AT&T Project Lightspeed Project now known commercially as Uverse and the installation of the very large cabinets related to their new service. Trustee Schoenbeck expressed concerns with regard to one of the boxes being installed on Stanhope property, if it was or wasn't going to be landscaped or if the Ordinance recently adopted didn't put us in the best position. Staff had not given fully accurate information which lead to the email that went to all of us asking for further consideration. Since then, Staff has worked through the Ordinance language, confirmed with our Village Attorney and also talked with Trustee Schoenbeck earlier this afternoon and confirmed in fact that the Ordinance does require in private property easements landscaping to be installed along the cabinet. The one on Stanhope's property was a bit of an aberration and it didn't fall through the cracks because it was planned for, designed for and actually originally installed on 63rd Street right-of-way. The Staff treated it under the right-of-way ordinance. Upon the initial inspection of its installation, Staff discovered it was built on top of one of the Village's water mains. We dealt with AT&T, County was involved because it was their right-of-way, and it was pushed farther north. All of us at the time believed it was still on County right-of-way. In fact, when the County got the as builts, it was revealed it was built on the private utility easement. So while at that time, landscaping wasn't secured and does not now preclude us from pursuing that, Director Halik will make contact with both AT&T indicating that they need to fulfill their requirements under the Ordinance we have adopted and will also tip off the Stanhope management staff to pursue a \$1500 cash in lieu of landscape donation as was done in Lake Hinsdale Village and they will be doing on our public rights-of-way. This situation has a box being constructed under one ordinance and then being slid over onto private easement triggering another ordinance.

Attorney Good advised that they have been working with other municipalities on dealing with AT&T to work on model ordinances. The same issues are coming up in all the municipalities. The Staff is dealing with these issues. AT&T is very anxious to get the work done and often fail to notify municipalities of the exact work that is being done like moving a cabinet out of the right-of-way onto a private easement.

Trustee Brown asked how this affects Comcast. Attorney Good responded only in the sense that it may or may not be new competition. AT&T has the right under State law to do this work. They received authorization from the Commerce Commission to put them in solely in this area.

Trustee Brown asked if the Village will be working with AT&T as they have been with Comcast. Attorney Good responded that you still have both and they are just competitors with one distinction. Under the new State Act, AT&T chose to exercise its right under State Law and have statewide contracts. Comcast had an opportunity to do that but chose not to and is still operating under its individual franchises.

Administrator Modaff asked Chief Konstanty to provide a brief update on what is happening with the CALEA Reaccreditation.

Chief Konstanty informed the Board that every three years the department has an onsite accreditation assessment. On August 11, 2008 at 5:00 p.m. there will be a public information session in the Council Chamber. On Wednesday, August 13, 2008 at 10:30 a.m. there will be an exit interview with the assessors. After talking with the Village Attorney, if any Board member wished to attend, they can but specific rules have to be followed. It would not be a meeting but they can come to listen.

Attorney Good advised that nothing prevents the entire Board from going to a conference together or going to dinner but at any point in time if the Board begins to discuss a point business without it being properly noticed, it is a violation of the Open Meetings Act. This is somewhat similar. You do not need a notice of the meeting so it would not be open to the public. The Board members are welcome to listen, but you cannot engage in a discussion with each other or as a group with the assessor. Should that occur it would violate the Opens Meeting Act. Attorney Good suggested that if a question arises, ask Chief Konstanty the question individually, or if the assessors are taking questions, as long as there are no more than two Board members talking to the assessors at one time.

16. EXECUTIVE SESSION

There was no need for an Executive Session for the discussion of the minutes to be released.

17. RESOLUTION - A RESOLUTION MAKING A DETERMINATION RELATIVE TO THE RELEASE OF EXECUTIVE SESSION MINUTES PURSUANT TO THE ILLINOIS OPEN MEETINGS ACT

MOTION: Made by Trustee Mistele, seconded by Trustee Brown, to adopt Resolution No. 08-R-51.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Schoenbeck, McMahon and Napoli; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

18. RESOLUTION - A RESOLUTION AUTHORIZING THE DESTRUCTION OF AUDIO OR VIDEO RECORDINGS OF CLOSED MEETINGS

MOTION: Made by Trustee Mistele, seconded by Trustee Baker, to adopt Resolution No. 08-R-51.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Schoenbeck, McMahon and Napoli; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

19. ADJOURNMENT

MOTION: Made by Trustee Baker, seconded by Trustee Brown, to adjourn the regular meeting at the hour of 8:12 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Schoenbeck, McMahon and Napoli; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

August 11, 2008

Robert A. Napoli
Acting Village President

Minutes transcribed by Mary Partyka.

