

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 10, 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 Acting Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Paul Schoenbeck, Timothy McMahon and Acting President Napoli. ABSENT: None. 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, Superintendent of Parks & Recreation Walter Righton and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Acting 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 - October 27, 2008 (APPROVE)
- c. Minutes - TIF Joint Review Board - October 27, 2008 (ACCEPT)
- d. Minutes - Budget Preview Workshop - October 27, 2008 (APPROVE)
- e. Warrants - November 10, 2008 - \$250,606.40 (APPROVE)
- f. Monthly Financial Report - October 31, 2008 - \$17,411,699.97 (ACCEPT)
- g. MOTION TO APPROVE - PUBLIC WORKS FACILITY CONSTRUCTION CONTRACT: PAYOUT #1 - PARTIAL PAYMENT, FBG CONSTRUCTION CORPORATION - \$62,187.00 (APPROVE)

Acting President Napoli asked if any Board Member wanted to remove any item(s) from the Omnibus Vote Agenda for discussion. No Board Member wanted any item(s) removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to approve the Omnibus Vote Agenda as presented.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Kelly, Schoenbeck, McMahon and Acting President Napoli; 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 the Village Board as elected officials must act to protect its constituents and look beyond the surface of some plans in the Village she felt are represented to be keeping with Village policy, but in fact they have an adverse affect on its residents. She urged the Board to look into the affects of the reconfiguration of the Mayada Brook detention basins on Bentley Avenue, which were approved by the Village.

Attorney Good pointed out to the Board that Mrs. Zimmer tends to pull facts out of context to argue her point. Recently, Mrs. Zimmer pointed out that Chris Burke, the Village's Engineer, said the natural flow of water was to the south of her property. He may have said that but he certainly did not suggest the flow of water was also not over Mrs. Zimmer's property and in fact, her own witnesses specifically testified "since the glacial age, the flow of water has been across her property off-site". She did win the lawsuit and the Village paid substantial damages to her. But the lawsuit was based on increasing the size of an existing pipe that had been put in by the Township Highway Commission years before. And, the lawsuit did not contest that that point of discharge onto her property was not the natural course of drainage. It had not because as her witnesses said in deposition, it certainly was. Mr. Good noted that point can no longer be contested legally by Mrs. Zimmer.

6. MOTION - PRESIDENTIAL APPOINTMENT - VILLAGE TRUSTEE

Acting President Napoli recommended the appointment of Sandra Bragg-O'Connor to fill his Trustee position on the Board.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to concur with Acting President Napoli's recommendation.

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

MOTION DECLARED CARRIED

Village Clerk Hansen administered the Oath of Office to Trustee Sandra Bragg-O'Connor.

7. RESOLUTION - A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBERS 1 THROUGH 5 - PUBLIC WORKS FACILITY CONTRACT - FBG CORPORATION

Director Halik presented to the Village Board a request for five (5) Change Orders that had been submitted by the general contractor for the public works facility, which would increase the contract in the amount of \$24,603.00. The Municipal Services Committee reviewed and recommended approval of these Change Orders.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to adopt Resolution No. 08-R-60.

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

MOTION DECLARED CARRIED

OLD BUSINESS

8. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report. He expressed his special thanks to the Board members and Staff for the support he received through his recent hospitalization.

Trustee McMahon had no report.

Trustee O'Connor had no report.

Trustee Schoenbeck had no report.

9. ATTORNEY'S REPORT

Village Attorney Good had no report.

10. CLERK'S REPORT

Village Clerk Hansen had no report.

11. ADMINISTRATOR'S REPORT

Administrator Modaff informed the Board that each member will receive several items this evening. One is the final Community Survey results and another is a flash drive containing materials for an item that will be discussed two weeks from tonight which is the boundary line agreements with Clarendon Hills and Darien.

Administrator Modaff informed the Board that he attended a meeting today at the Attorney General's office in Chicago regarding the salt procurement process, which is managed by the Central Management Services for the State of Illinois in Springfield. As previously reported, the Village is anticipating costs exceeding an additional \$50-\$60,000 for salt for this coming winter season.

Administrator Modaff reported that the Attorney General's office is doing an impressive job of working with what has occurred. They actually have subpoenaed records from major salt suppliers covered by this contract. The State of Illinois went out for bids for salt supply in July 2008. Many other states, and the City of Chicago, which compete with Illinois, anticipated there would be salt shortages but Illinois was one of the last ones to go to bid for salt. The Staff investigated other suppliers and discovered that Willowbrook cannot get salt cheaper than what the State has gotten for us. Mr. Modaff informed the Board that what he learned is the salt bid that the State manages for us does not actually bring the power of bulk buying to the salt contract. In fact, what the State does is a line item bid for each agency that wants salt; all the State is doing for Willowbrook is bidding for us but not getting us bulk purchasing power and getting the lower rate.

In preparation of the possibility of not being able to purchase enough salt for the winter, even at \$115 a ton, the Staff is developing a plan to build a temporary salt depot and take

almost our entire winter's worth of salt delivery, 500-600 tons and another 200 tons of treated salt that works at 20 below degree weather. The temporary depot will be built in the Community Park parking lot with concrete blocks rimming the outside and we will then tarp it. The Board will receive some authorizations at the next meeting to ratify what the Staff will be doing within the next couple of weeks with regard to the procurement of salt.

Administrator Modaff advised the Board the Illinois Attorney General will ask every legislator to support HB 1579 to look at the CMS procedure.

12. EXECUTIVE SESSION

Acting President Napoli asked for a motion to adjourn into Executive Session to discuss personnel.

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn into Executive Session to discuss personnel at the hour of 8:02 p.m.

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

MOTION DECLARED CARRIED

\*\*\*SEE APPROPRIATE EXECUTIVE SESSION MINUTES\*\*\*

PRESENTED, READ and APPROVED,

November 24, 2008

Roberta Napoli  
Acting Village President

Minutes transcribed by Mary Partyka.

