

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, FEBRUARY 14, 2011 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 7:00 p.m. by Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were President Robert Napoli, Clerk Leroy Hansen, Trustees Umberto Davi, Terrence Kelly, Michael Mistele, and Paul Schoenbeck.

ABSENT: Trustee Baker.

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Chief of Police Mark Shelton, Deputy Chief Paul Oggerino, and Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli asked Trustee Mistele to lead everyone in saying of the Pledge of Allegiance.

4. MOTION

Board Advice and Consent to President's Appointment of Frank Trilla to Fill a Vacancy in the Office of Village Trustee.

MOTION: Made by Trustee Davi, seconded by Trustee Kelly to appoint Frank Trilla to fill a vacancy in the Office of Village Trustee.

Clerk Hansen gave the Oath of Office to Trustee Frank Trilla.

ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Davi, and Schoenbeck. NAYS: None. ABSENT: Baker.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (Approve)
- b. Minutes - Regular Board Meeting - January 24, 2011 (Approve)
- c. Warrants - February 14, 2011 - \$182,491.35 (APPROVE)
- d. Financial Monthly Report - February 14, 2011 - \$18,130,685.95 - (APPROVE)

- e. A Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code - (APPROVE)

President Napoli asked the Board if there was any item to be removed from the Omnibus Vote Agenda.

Trustee Trilla recused himself from Item 5c.

MOTION: Made by Trustee Davi, seconded by Trustee Mistele to approve the Omnibus Vote Agenda as amended.

ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Davi, and Trilla. Trustee Schoenbeck voted present on Items 5c. NAYS: None. ABSENT: Baker

MOTION DECLARED CARRIED

NEW BUSINESS

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

None present.

7. COMMITTEE REPORTS

8. Trustee Kelly had no report.

9. Trustee Mistele advised that the Municipal Service Committee approve the extension of two contracts for mowing and landscaping. Bidding of cleaning services for the village hall and police department is underway.

10. Trustee Davi advised he chaired his first Finance Committee meeting. President Napoli advised the Board that he has assigned Trustee Trilla to the Finance Committee.

Trustee Schoenbeck advised a "job-well done" for the Public Works Department during the recent storm.

11. ATTORNEY'S REPORT

Attorney Hennessy advised that he made inquiries to the Ethics Officer on the status of the Conflict of Interest issues. He advised that he had been contacted by the Attorney of the subject of the inquiry. The Ethics Officer advised that this Thursday he would be interviewing the subject at his office.

The Ethics Officer also received a letter from the subject's attorney inquiring on the charges or complaints that have been lodged against the subject. Attorney Hennessy will be providing the President with the language so that it can be placed in the hands of the Ethics Officer prior to the interview this Thursday.

*As a matter of record, this has been ongoing since October 2010. As far as the charges comply with requests for specifications of charges. Attorney Hennessy shared with the Board **Section 1-12-7 of the Code of Ethics**, where it states that any public servant or officer found to have violated any provisions of this Chapter is subject to discipline and censurer.*

Section 1-12-1 of the Code of Ethics states that all elected or appointed officers and all employees of the Village shall in relation to the position of public trust and employment, which they may occupy or maintain standards of ethical conduct set forth in this code. Such officers and employees shall at all times **segregate** their personal and private business interests from the performance of their duties and responsibilities as officers or employees of the Village to the end that the appearance of, as well as any actual conflict of interest does not exist.

Attorney Hennessy advised that in the beginning of the Code of Ethics violation issues, the Ethics Officer was asked to inquire if there was an appearance or an actual conflict of interest. When the Board referred the matter to the Ethics Officer for his findings on probable cause and sufficiency of evidence, President Napoli asked him basically to make findings relative to whether or not there is an appearance and/or a conflict of interest relative to those charges.

This provision is a key item of the Code of Ethics where the "mandate" of the Public Officer is to separate or keep apart his personal or private business interests from the performance of his/her duties of their office.

This is just one of seven allegations that have been made against the subject in question. If you look at **Section 1-12-3.1**, entitled Abstention, it states that every Public Servant should **abstain** from any official function or vote as it creates the appearance of impropriety. All the complaints or allegations that have been forwarded on to the Ethics Officer are based on the segregation mandate and abstention mandate. Although, Attorney Hennessy believes this is very clear, he will forward a

clarification letter to share with council for the subject. They will then move forward with an interview with the Ethics Officer. The Ethics Officer has stated this is the last item in his investigation and will then he will prepare his written findings of probable cause and issue of sufficiency.

12. CLERK'S REPORT

No Report.

13. ADMINISTRATOR'S REPORT

Administrator Halik provided a summary of the recent storm. He commended all village employees with their team efforts to get make the streets clear and safe for our residents.

Secondly, Chief Shelton provided an update on the Red Light Camera System. At the 75th Street location there has been a 40% decrease in accidents and a 36% decrease in rear-end accidents at 63rd Street. No tickets will be issued during the blizzard.

St. Baldrick's charitable event will be held on March 13, 2011 at the Kerry Piper. Numerous police officers will be once again shaving their heads for this worthwhile cause.

President Napoli thanked the office staff, public works staff and everyone who came in during the blizzard event.

14. PRESIDENT'S REPORT

No report.

15. EXECUTIVE SESSION

- A. 5ILCS 120/2(C)(21) Regarding the Discussion of the Minutes of Meetings That Were Lawfully Closed Under the Open Meetings Act For the Purpose of a Semi-Annual Review of Said Minutes as Mandated by 5ILCS 120/2.06(d)

16. ADJOURNMENT

MOTION: Made by Trustee Davi, seconded by Trustee Kelly to adjourn the meeting at the hour of 7:23 p.m.

ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Davi, Trilla, and Schoenbeck NAYS: None; ABSENT: Baker.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

_____, 2011

Village President

Minutes transcribed by Debbie Hahn.