MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JULY 26, 2010, 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, Umberto Davi, Sandra O'Connor, Paul Schoenbeck and President Napoli. ABSENT: None. Also present were Clerk Leroy Hansen, Village Attorney William Hennessy, Village Administrator Timothy Halik, Director of Finance Sue Stanish, Chief of Police Mark Shelton, Deputy Chief of Police Paul Oggerino, Administrative Intern Garrett Hummel and Executive Secretary Deborah Hahn.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

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

4. PRESENTATION – INDIAN PRAIRIE LIBRARY

Deputy Chief Paul Oggerino (who is also on the Library's Board of Directors) informed the Board that the Indian Prairie Library District has begun its $1.3 million renovation project. When the renovation is complete, which is anticipated in November 2010, the Library will have a café, new flooring, a new stairway, etc. Deputy Chief Oggerino also advised that nearly 1,200 visit the library daily.

In the 2010 Strategic Plan, the Library will host a library card drive to make sure all residents have one and so they also have the ability to use the numerous resources the library has to offer.

5. EXECUTIVE SESSION

MOTION: Made by Trustee Davi, seconded by Trustee Baker to recess into Executive Session at the hour of 7:34 p.m. to discuss:

- Consideration of the Employment and Compensation of the New Village Administrator Pursuant to 5 ILCS 120/2(c)(1)
- Consideration of the Purchase or Lease of Real Property for the Use of the Village Pursuant to 5 ILCS 120/2(c)(5)
- Consideration of Collective Negotiating Matters Between the Village and Its Employees and Their Representatives Pursuant to 5 ILCS 120/2 (c)(2)
- Consideration of Pending Litigation Pursuant to 5 ILCS 120/2(c)(11)
- Consideration of Non-Pending Litigation Based Upon a Claim That the Filing of an Action is Probable Pursuant to 5 ILCS 120/2(c)(11)
- Consideration of Portions of Minutes of Executive Sessions for Purposes of Their Possible Approval and Release Pursuant to 5 ILCS 120/2(c)(21)

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

MOTION DECLARED CARRIED

***SEE APPROPRIATE EXECUTIVE SESSION MINUTES***

The Village Board reconvened the regular meeting at the hour of 9:00 p.m.

*President Napoli skipped to Item 10 on the Agenda.

10. RESOLUTION – A RESOLUTION AUTHORIZING THE PRESIDENT AND VILLAGE CLERK TO ENTER INTO AN EMPLOYMENT AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND TIMOTHY J. HALIK AS ITS VILLAGE ADMINISTRATOR AND DIRECTOR OF MUNICIPAL SERVICES

MOTION: Made by Trustee Davi, seconded by Trustee Mistele, to adopt the Resolution.

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

MOTION DECLARED CARRIED

6. OMNIBUS VOTE AGENDA
   a. Waive Reading of Minutes (APPROVE)
   b. Minutes – Regular Board Meeting – July 12, 2010 (APPROVE)

c. Warrants – July 26, 2010 - $292,985.36 (APPROVE)
d. Motion to Approve Expenditure for FIAT Contribution for Fiscal Year 2010/11 - $3,500 – (APPROVE)
e. Motion to Approve Expenditure for the DuPage County Children’s Center for Fiscal Year 2010/11 - $3,000 – (Approve)
f. Plan Commission Recommendation – 7675 Quincy Street: Proposed Parking Facility Variations and Adoption of Findings of Fact (Receive)
g. Plan Commission Recommendation – 7825 Quincy Street: Proposed Parking Facility Variations and Adoption of Findings of Fact (Receive)

Clerk Hansen requested corrections to the July 12, 2010 minutes: Item 4 – Executive Session – Personnel – insert “arrangement with” after the word “compensation”.

MOTION: Made by Trustee Baker, seconded by Trustee Davi, to approve the Omnibus Vote Agenda with noted correction.

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

MOTION DECLARED CARRIED

NEW BUSINESS

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

None.

8. DELINQUENT WATER BILLS

Administrator Halik reported to the Village Board that there were three (3) delinquent water bills in the amounts of $162.20, $180.55 and $162.12, respectively, and requested permission to proceed as per Village policy.

9. ORDINANCE – AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK – TITLE 1, SECTION 1.5-5: TEMPORARY CHAIRMAN

President Napoli advised that the present text of the Ordinance mandates that the Trustees appoint the most senior Trustee in the absence of the Village President at a board meeting. This text, adopted in 1999, weakens the authority and position of the

President as it deprives the President of the right to vote in the election of a temporary chairman. This text also derogates the choice of both the President and Trustees to select a temporary chairman.

President Napoli read from Section 65 ILCS 5-3.1-35-35, IL Municipal Code regarding the appointment of a temporary chairman.

Trustee Schoenbeck asked President Napoli what precipitated the change to this Ordinance.

Attorney Hennessy responded that the President and Board of Trustees should be able to appoint a temporary chairman of their choice in the absence of the President.

President Napoli advised that the Village should follow the Illinois law as it was intended to be and then the Corporate Authorities would be able to discuss and decide who would be temporary chairman in the event the Village President was absent from a board meeting.

Trustee O'Connor asked if the appointment would be for one meeting or all meetings.

Attorney Hennessy advised it would be for all meetings. It also limits the temporary chairman to vote only once during a vote.

Trustee Schoenbeck stated that he would suggest leaving it as it stands based on previous counsel's recommendation.

Trustee Baker reminded the Board that the previous council was dismissed by this Board due to unfavorable work and by approving this Ordinance amendment it would follow the Illinois Municipal Code.

MOTION: Made by Trustee Davi, seconded by Trustee Baker, to pass Ordinance No. 10-O-15.

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

MOTION DECLARED CARRIED

10. *Action completed earlier in meeting. (Employment of Administrator/Director of Municipal Services)

11. WILLOWBROOK POLICE DEPARTMENT 2009 ANNUAL REPORT

Chief Shelton gave a brief summary on the Willowbrook Police Department's 2009 Annual Report. Chief Shelton thanked the Board for their continued support.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to accept the Willowbrook Police Department's 2009 Annual Report.

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

MOTION DECLARED CARRIED

12. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Davi had no report.

Trustee O'Connor commented that the approved Board minutes have not been posted on the village's website for public consumption since April 26, 2010. Village Administrator Halik advised that this issue has been addressed and staff is working on getting them posted.

Trustee Schoenbeck commented that in the July 13, 2010 edition of the Doings newspaper article, Director of Finance Sue Stanish was not mentioned in the article and wanted to personally thank her for all her years of service and the work that she has done.

President Napoli advised that she was not excluded on purpose in the article. He was talking about the new people that had recently been appointed.

13. CLERK'S REPORT

Clerk Hansen had no report.

## 14. ADMINISTRATOR'S REPORT

Village Administrator Halik reported that during the recent storms the Village had 4.75 inches of rain fall. The Public Works crews were out and handled the incident very well. By noon on Saturday, the flood elevation had already dropped a foot.

Village Administrator Halik advised the DuPage County Highway Department will begin their 2010 Pavement Restoration Program. Their plan is to repave Madison Street from Plainfield Road to 55th Street. Work will begin on July 28, 2010 and should be completed within three weeks.

The signed MFT contracts have been received from Fiala Paving for the MFT Roadway Maintenance project. Once the Village Clerk and Village President sign them this evening, they will be returned to IDOT and the project will begin in mid-August.

Trustee Schoenbeck asked if the areas located within the northwestern part of the Village that is not within our jurisdiction is part of this project.

Village Administrator Halik advised that it is not but he intends to meet with Downers Grove Township and the Village of Westmont. Both have gaps in our roads and they will be asked if they would like to join us in this project. However, if they decline we will move forward without them and skip those areas.

## 15. ATTORNEY'S REPORT

Per the President's request to report this issue in open session, Attorney Hennessy advised the Board of a complaint he received regarding the violation of the Illinois Open Meetings Act on two occasions in 2009 and two occasions in 2010 when the Village Board recessed into closed session.

Attorney Hennessy was instructed by President Napoli to cooperate fully with this agency's investigation into this complaint. The minutes in question in the complaint were then forwarded to the agency and approximately one month later he received notification that the agency (after reviewing the minutes) would not be proceeding with their investigation into the complaint. No appeal from the agency by the complainant was received during the allotted time period allowed by law and the complaint is considered closed.

After receiving this favorable disposition, Attorney Hennessy was instructed to take every step appropriate to find out the identity of the complainant. Attorney Hennessy relayed his preliminary opinion on the probable identity or identities of person(s) of the complaint to the Village President. However, this could change over the course of the inquiry. Based on information from a credible informant, the complaint has been narrowed to the few persons directly privy to the confidential matters discussed in those 4 closed sessions.

Attorney Hennessy asked the Trustees to refrain from asking questions or requesting documents of this complaint given that the matter is still ongoing.

16. PRESIDENT'S REPORT

President Napoli advised that since his obligation as the Village's Chief Executive Officer is to see that the laws of this State and the ordinances of this Village are faithfully enforced, he decided to present allegations regarding a conflict of interest to the Board for consideration in open session.

President Napoli stated that an informed source had told him and this was verified by the Village Attorney, that a Village Trustee was doing business with a cleaning company that is also a contractor for the Village of Willowbrook. The company, Best Quality Cleaning (BQC) was approached by Trustee Schoenbeck who had asked a representative of this company to provide him with a business proposal to clean his Uni-Carrier building. BQC confirmed that they are indeed doing business with Trustee Schoenbeck and have been since September 8, 2009, (this is per a written janitorial service contract).

The Village Attorney advised President Napoli that this is a conflict of interest since Trustee Schoenbeck has voted on the initial BQC contract, 3 subsequent annual extensions and all the resolutions pertaining to this contract. This matter should be referred to the Ethics Officer.

President Napoli advised that on or about August 9, 2010,he will entertain a motion to refer this matter to the Village's Ethics Officer for his investigation and determination of the question on whether Trustee Schoenbeck's actions have given rise to either the appearance or the actuality of a conflict of interest.

*Trustee Schoenbeck requested a copy of President Napoli's script that was just read.

President Napoli agreed to give Trustee Schoenbeck a copy of his report.

17. ADJOURNMENT

MOTION: Made by Trustee Baker, seconded by Trustee Kelly, to adjourn the regular meeting at the hour of 9:00 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

____________________, 2010

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Village President

Minutes transcribed by Debbie Hahn.