

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, APRIL 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, Sandra O'Connor, Paul Schoenbeck and President Napoli. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney William Hennessy, Interim Village Administrator Larry Maholland, Interim Village Administrator Megan Pierce, Chief of Police Mark Shelton, Director of Municipal Services Timothy Halik, Director of Finance Sue Stanish 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. MOTION - BOARD ADVICE AND CONSENT TO PRESIDENT'S APPOINTMENT OF ROBERT A. NOVELLE, JR. TO FILL A VACANCY IN THE OFFICE OF VILLAGE TRUSTEE

MOTION: Made by Trustee Baker, seconded by Trustee Kelly, to concur with the President's recommendation to appoint Robert A. Novelle, Jr. to fill the vacancy in the office of Village Trustee.

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

MOTION FAILED

5. OATH OF OFFICE

No Oath of Office.

6. ROLL CALL

No Roll Call.

7. OMNIBUS VOTE AGENDA
- a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Regular Board Meeting - April 12, 2010 (APPROVE)
 - c. Minutes - Executive Session - February 22, 2010 (APPROVE)
 - d. Minutes - Executive Session - March 8, 2010 (APPROVE)
 - e. Minutes - Executive Session - Budget Workshop - March 1, 2010 (APPROVE)
 - f. Minutes - Executive Session - March 15, 2010 (APPROVE)
 - g. Minutes - Executive Session - March 22, 2010 (APPROVE)
 - h. Minutes - Executive Session - April 12, 2010 (APPROVE)
 - i. Warrants - April 28, 2010 - \$171,841.15 (APPROVE)
 - j. APPLICATION FOR LICENSE TO HOLD A RAFFLE - WILLOWBROOK/BURR RIDGE KIWANIS CLUB - JUNE 26, 2010 (APPROVE)
 - k. RESOLUTION NO. 10-R-20 - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ENTER INTO A CERTAIN AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS (ADOPT)

President Napoli asked if any Board Member(s) wanted to remove any item(s) from the Omnibus Vote Agenda for discussion. Trustee Schoenbeck requested that the Agenda Item Nos. 7h-Executive Session Minutes of April 12, 2010, 7i-Warrants and 7k-Resolution regarding Agreement with ASCAP be removed from the Omnibus Vote Agenda for further discussion.

Trustee Schoenbeck advised that he gave Village Clerk Hansen some suggested changes to the language in the second paragraph in Item 3 of the Executive Session minutes of April 12, 2010 and Clerk Hansen was comfortable with those changes.

Trustee Schoenbeck noted Item 7i, Warrants, specifically the Attorney invoice. He had written several questions to Attorney Hennessy this past week via email and has not received an answer so he was not comfortable with voting for that at this time.

Attorney Hennessy advised that he did respond to Trustee Schoenbeck's emails and sent an email to him. He provided Trustee Schoenbeck a copy of his response. Trustee Schoenbeck

stated that if he gets the response he would not have a problem with the approval of that item.

Trustee Schoenbeck noted that he did not understand Item 7k and there did not seem to be much of a backup for this item. He suggested that this item go through the Finance and Administration Committee and get a recommendation from the Committee on this matter. There is a \$305 expenditure connected with this item.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee O'Connor, to approve the Omnibus Vote Agenda exclusive of Agenda Item Nos. 7h and 7k, which are deferred.

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

MOTION DECLARED CARRIED

NEW BUSINESS

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

There was no visitors business.

9. DELINQUENT WATER BILLS

Director Halik reported to the Village Board that there were three (3) delinquent water bills in the amounts of \$66.39, \$69.97 and \$168.16, respectively, and requested permission to proceed as per Village policy.

10. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ACCEPT A PROPOSAL FOR THE 2010 SPRING BRUSH COLLECTION PROGRAM - KRAMER TREE SPECIALISTS

Director Halik informed the Board that last fall, the Village accepted a proposal from Kramer Tree Specialist to complete a curb-side brush collection/grinding program as opposed to curb-side brush chipping program. The collection/grinding program was cheaper than the curbside brush chipping program. Staff solicited Kramer Tree to complete another collection/grinding program this spring; however, the cost received was 38% higher than last fall. The Municipal Services Committee agreed that the Village should complete a grinding program in the spring and

make the resulting mulch available to residents and complete a conventional chipping program in the fall. The Village will be able to make high quality mulch available to the community as well as still meet the FY 10/11 budget.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to adopt Resolution No. 10-R-21.

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

MOTION DECLARED CARRIED

11. MOTION TO APPROVE - FY10-11 BUDGET

Director Stanish presented the FY 2010-11 Budget to the Village Board for their approval. The Budget incorporates all items that were discussed at the last workshop. Not included are items discussed at the last meeting such as salary adjustments for all Village employees. The Budget has been adjusted for all changes in personnel and reflects all capital expenditures previously discussed.

President Napoli noted that prior Budgets have been approved when salaries were not included. Director Stanish responded yes, that is correct. In the years we were negotiating the Union contract, we did pass budgets not knowing the amounts of salary increases.

President Napoli noted that we have asked to exclude the Parks Department movie nights from the budget. He would like to put the two movies nights back in the budget for the benefit of Willowbrook families during the summertime.

Trustee Schoenbeck suggested that the Board defer the approval of the Budget. He wanted to see where we stood with regard to the items that are up for discussion in closed session this evening and also to discuss the impact on the Budget of any non-union pay increases that we may consider. The Board may want to schedule a special meeting this week so we can still try to get the Budget approved by the end of the Fiscal Year.

President Napoli thought it was clarified that in the past that we pass the Budget and once the negotiations and the raises are settled sometime in May or June, then we come back, we put it in the budget and we then finalize it.

Director Stanish advised that in years past, when the Appropriation Ordinance is past, if there is an increase in dollars we have exceeded the salary line items.

Trustee Mistele felt there were major management issues that need to be addressed within this budget. The negotiations, salaries for non-union personnel, the need for an Administrator or a continued consultant in that position, these are decisions this Board needs to address. He concurred with the concept of tabling this for now and scheduling our next workshop and try to finalize this budget within the next couple of weeks. It was his understanding that the Village had 90 days within the next Fiscal Year to get this done and submit an approved budget.

Director Stanish responded to submit an Appropriation Ordinance and 90 days are required to file with the County an Ordinance that provides us with the authority to expend funds.

Trustee O'Connor noted that this does put burden on Staff to manage spending if there is no approved budget.

President Napoli asked if there is any dollar amounts and if so how much has been put in the budget for any type of administration position.

Director Stanish responded that there is currently \$110,000 earmarked for whatever you choose for village administration.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to defer the budget to another night for further discussion on the questions and concerns of the Board.

President Napoli noted that it would be an administrative chore for the Staff if the Budget is not approved.

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

MOTION FAILED

MOTION: Made by Trustee Baker, seconded by Trustee Kelly, to approve the FY 2010-11 Budget.

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

MOTION FAILED

PRIOR BUSINESS

12. RESOLUTION - A RESOLUTION AWARDING THE FISCAL YEAR 2010-11 MOTOR FUEL TAX ROADWAY MAINTENANCE PROGRAM CONTRACT TO JAMES D. FIALA PAVING COMPANY, INC. IN THE AMOUNT OF \$191,689.00

President Napoli asked the Village Clerk for a Resolution Number with regard to this agenda item. Village Clerk Hansen gave Resolution No. 10-R-22.

Director Halik advised that after discussions at the April 12 meeting, the Village Board decided to defer this item. Since that time, additional information was provided by Staff to allow us to proceed. According to IDOT regulations, if the contract is not awarded within 45 calendar days the contractor can withdraw the bid.

Trustee Mistele noted that at the last meeting, he supported entering into a contract with Fiala for the road maintenance program for this year. He thought the road maintenance program is important to the Village of Willowbrook. The Board had some new information presented that evening relative to relationships between the President and our Village Attorney supporting a contractor that was retained by Fiala. Therefore, he suggested that this Board instead award this maintenance contract to our second low bidder, which would be Crowley Sheppard in the amount of \$209,045.00 to cover the same maintenance program. He felt this service was an important service as it protects the streets that we have in place, this would be a normal maintenance program resurfacing these streets.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to award the Fiscal Year 2010-11 Motor Fuel Tax Roadway Maintenance Program Contract to Crowley Sheppard Asphalt, Inc. in the amount of \$209,045.00.

Trustee Kelly asked what was the motion before them this evening.

President Napoli responded that the motion was to award the contract to Crowley Sheppard Asphalt Inc. in the amount of \$209,045.00.

Trustee Kelly asked if this motion superseded the motion to award Fiala the contract at \$191,689.00.

President Napoli responded that we had a resolution number but there was no motion on that.

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

MOTION DECLARED CARRIED

13. DISCUSSION - THE OFFICE OF THE VILLAGE ADMINISTRATOR

President Napoli advised the Board that there has been discussion with respect to the position of a part-time Village Administrator or a fulltime Village Administrator. He had talked with a few Trustees over the past few months and the Board wanted to have a discussion and he thought it is the time to do this.

Trustee Schoenbeck asked if this was something the Board could discuss in closed session or not.

President Napoli responded that this can be done in open meeting, whether we want a fulltime or part-time person with respect to the administrator position, as far as he was concerned it is in open session.

Attorney Hennessy responded that the item is a general discussion as to whether or not the corporate body wants to go forward with respect to the contract or if you wish to go forward with an employee working in this position. That is a subject appropriate for either format, open session or executive session. If you are going into executive session then you are talking about an individual he thought it would be appropriate but there are no individuals; the Board is talking in the abstract and the discussion belongs in the public sector.

Trustee Schoenbeck noted the reason he suggested that is we also did not have on the agenda this evening any consideration for the contract with Sikich. There might be questions he might not want to ask in an open meeting in comparison to whether we hire

someone fulltime or we hire somebody to continue the relationship we have right now.

President Napoli felt that the discussion would be whether we wanted to go with a full-time administrator or with part-time administrator as we have now. We are not talking about Sikich individually, we are talking in general.

Trustee Mistele believed that a full-time administrator is important for Willowbrook, that a full-time leader in this village hall can improve the morale. A full-time leader not only here at the Village but functioning within DuPage County, whether on a Water Commission or some committee with DMMC, things we have seen in the past with our Administrators, creating a network of information and contacts within the political system we need to deal with.

Trustee Schoenbeck agreed with Trustee Mistele but one of the things discussed when we were looking at employing a firm like Sikich was our lack of an HR type of person for operational dependability, so he thought that still has some merit to stay outside for a firm to do that. But, when you are looking at what pace we are at for dollars with an outside firm doing our day to day administration, it is questionable whether the savings outweighs the benefits for our businesses and residents in addition to what Trustee Mistele had also said. He thought when this was discussed last budget we estimated roughly 3-6 months if we wanted to go to a full-time administrator, by the time we advertise for that, we went out and brought applicants in, started the interview process, we were looking at some period of time that was going to be roughly 3-6 months as it was anyway. He felt the worst case scenario is that we invest the dollars in that process and find that the cost of having that person in here has gone up. He thought that the cost has come down in this economy.

Trustee Mistele thought the marketplace in this economy is going to work to the Village's benefit when it comes to costs and personnel.

President Napoli noted that the question we have is the cost; we had a cost of \$202,000 and are spending around \$120,000. We have had some unusual situations here, unusual time amounts that we did not plan on with respect to this prior 3 or 4 months. He thought Sikich has done a good job and wanted to ask a few questions of the staff.

President Napoli asked Director Stanish if Sikich has done a good job; is a part-time situation, if it is not Sikich then someone similar to that, would they be good for the Village.

Trustee O'Connor thought it was not a fair question to ask Director Stanish.

President Napoli further asked if the last six months of management that we have has it worked well for the village.

Director Stanish responded that it would work, that from her perspective as far as finance, it would go along. The department is running well. She is getting the support that she needs. She noted that with a full-time manager she was also getting support and was doing a little less work than she is doing now. Again, she is getting what she needs for finance under both scenarios.

President Napoli asked Chief Shelton his opinion about if we need a fulltime or is the existing situation, not necessarily Sikich, but a part-time management firm being able to handle the duties from his end and the needs he has.

Chief Shelton responded that they answer any questions he has and their experience level is a good strength for him. The experience has been very positive for him.

President Napoli asked Director Halik the same question.

Director Halik responded that he agreed with Director Stanish and some of her comments. He thought it could probably work well either way. Our track record for the last six months with the different projects and workload along with keeping up with the core services means we have been a little busier. Overall it does work.

Trustee Schoenbeck felt that the Board had a responsibility to our constituents in the Village. It seems we have several Trustees over a period time that have either asked for something or have looked for things that have had a change or had some sort of concern to those elected officials to ask that this item be brought up and be discussed. He thought it is only fair unlike some of our past contractual relationships or decisions, this process should have a full backing. All we are asking here is that we have a time to sit down and discuss the differences. Create a job description and an idea of who this person might be if we did go to the outside in comparison with what we have experienced over these several months and then make a decision

whether or not it is productive for us to go out and see what is out in the marketplace. That would simply be making a comparison to a contractual relationship that ended back on April 9 that needs to be taken care of. There is no contractual relationship at this point. And there is nothing on for this evening to extend that contract and this is the right time to make that decision. That way the whole Board is participating in that process.

Trustee O'Connor asked for clarification with regard to the \$110,000 in the budget and if that is for 15 hours of service. She felt if we were going to compare that to the \$202,000 that was for 40 hours a week. This is a much more expensive option. What we are saying is can we get by with 15 hours; that is the only way you save money. We are comparing apples and oranges. You have to compare them on an annual basis or what Mr. Modaff's portion was for 15 hours. She did not think it is \$110,000 versus \$220,000.

President Napoli noted that what was saved was on the benefits so the Village is not tied to the long term costs with respect to health care and pension.

Trustee Mistele added that this conversation was not intended to be negative in any way against Sikich. The services we have seen, the surveys, the analysis, the management ideas have been invaluable and they are helping us shape this organization. He wanted Sikich to understand the thinking here really deals with Willowbrook in the long term.

President Napoli noted that the Board should have a special meeting regarding the Administrator position, correct.

Trustee Mistele suggested that the Board have a financial planning workshop to try to close out the budget.

President Napoli inquired if we would have the budget workshop at the same time.

Administrator Pierce clarified that the financial planning workshop was not intended as a budget workshop that is a separate item.

Trustee Schoenbeck thought if we do tie the financial planning workshop (item 14) and budget workshop together, he did not know if we would need Sikich at that specific meeting. This might be something the Board itself might work through.

Trustee O'Connor asked if Sikich was under contract or not under contract right now. They are coming to these meetings and the contract is expired.

Attorney Hennessy responded that the present status was that they are affecting a contract; the parties are clearly continuing their actions so their current conditions of the agreement are being extended as a passive agreement.

Trustee O'Connor wanted it noted that this is being done by their practice and they (Sikich) are not under contract.

President Napoli advised he will have Deputy Clerk Partyka contact the Board on a date for a special meeting with regard to consideration of the administrator position, what we can get accomplished on the budget and financial planning workshop.

Administrator Pierce noted that what they had proposed originally when they had started discussing the financial planning workshop as part of the organizational evaluation report was a four hour session probably a Saturday morning to have time. They would come prepared with research and information for discussion by the Board. She suggested that it is something that warrants full focus for four hours since there will be major discussions and decisions to take place in that time.

Trustee Schoenbeck suggested that when Deputy Clerk Partyka contacts them, she can ask about dates for the workshop as well.

President Napoli thought the Board could discuss the Administrator position and budget situation at another time. He inquired what the Board wanted to discuss first.

The consensus of the Board was to have the meeting regarding the administrator position and the budget first. Then the financial planning workshop would be second.

Administrator Maholland for clarification purposes asked if the agreement moved forward and noted that the agreement was an extension of the contract.

Trustee Schoenbeck and Trustee O'Connor noted that they did not get the Attachment A with their packet.

President Napoli requested Administrator Maholland provide a copy of the agreement to the Board by the following day.

Administrator Maholland advised the Board that the agreement is basically an extension of the current agreement for twelve months and either party can terminate the relationship with 30 days notice.

Administrator Maholland expressed concern if they would come back whether with an agreement or not, if they would get paid for the hours.

Trustee Schoenbeck responded that based upon what the contract states that expired on April 9, and focusing on any Village contract that expires, the Village Attorney feels that there must be some sort of continued relationship although he had not seen a letter or anything that says that. From his standpoint, he felt the agreement has expired and since there was nothing on the agenda this evening, there is no reason to believe that the Sikich agreement is in place.

Trustee Mistele felt that it would be at least a six month process if we were to decide to hire a fulltime administrator and we would need to depend on Sikich in the meantime to continue with their services.

President Napoli noted that Sikich can finish up the report they are working on and to finish up the other items that need to come back to the Board.

Trustee Schoenbeck asked if the Board wanted to have a consensus this evening so that the Sikich people would have a comfort level that what they are doing they will get paid for. He further asked for clarification of the original letter if the expiration of the agreement was April 9 or April 19 and have every Board member get a copy of that.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to approve an extension of the Agreement between the Village of Willowbrook and Sikich for a period not to exceed six months at the terms as agreed to in the original agreement.

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

MOTION DECLARED CARRIED

14. DISCUSSION - VILLAGE BOARD FINANCIAL PLANNING WORKSHOP

See Agenda Item No. 13. A special meeting date to be determined for the Financial Planning Workshop.

15. DISCUSSION - NON-UNION PAY PLAN

Administrator Maholland noted that the Board received a memorandum in their packet suggesting a format for non-union pay. The process that is outlined in the Village's Personnel Manual was very complex and difficult to administer; it has been in place for a few years but for various reasons had not been followed.

Administrator Maholland noted the method he was suggesting was basically a step plan where you have ten steps, which is similar to what the police department has. The process that would be used is that other communities would be surveyed to determine what the pay ranges would be. The maximum pay will be established at the 60th percentile of the comparable communities and the minimum pay will be established at the 70th percentile of the maximum pay, the same as the union pay range.

Trustee Mistele felt there needs to be a little more discretion on the part of management as to how employees are compensated.

The Board requested that the Staff provide them with an updated comparable list with regard to salaries for non-union employees.

16. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Schoenbeck reported that former Commander Joe Pec would like to purchase a radar gun from the Village of Willowbrook to be used in connection with his part-time security position with the Lake Thunderbird Association. The Police Department has one radar gun that is not being used and is of low value. The Public Safety Committee recommended the Village sell the radar gun for \$1.00 in as is condition.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to concur with the Public Safety Committee recommendation to sell a Road Runner Serial #2071 radar gun for \$1.00 in as is condition to the Lake Thunderbird Association.

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

MOTION DECLARED CARRIED

Trustee O'Connor had no report.

17. ATTORNEY'S REPORT

Attorney Hennessy had no report.

18. CLERK'S REPORT

Village Clerk Hansen had no report.

19. ADMINISTRATOR'S REPORT

Administrator Pierce had no report.

20. PRESIDENT'S REPORT

President Napoli had no report.

21. EXECUTIVE SESSION

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to adjourn into Executive Session at the hour of 8:40 p.m. to discuss:

- Collective Negotiating matters pursuant to Chapter 5 ILCS 120/2(c)2
- Personnel matters pursuant to Chapter 5 ILCS 120/2(c)1
- Possible Litigation

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

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

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PRESENTED, READ and APPROVED,

_____, 2010

Village President

Minutes transcribed by Mary Partyka.