

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 12, 2012 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 6:30 p.m. by Mayor Robert Napoli.

2. ROLL CALL

Those present at roll call were Mayor Robert Napoli, Clerk Leroy Hansen, Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Sue Berglund, Umberto Davi, and Frank Trilla.

ABSENT: None

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Chief Mark Shelton, Deputy Chief Paul Oggerino, Management Analyst Garrett Hummel, and Deputy Clerk Cindy Stuchl.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Napoli asked Trustee Kelly to lead everyone in saying the Pledge of Allegiance.

Mayor Napoli reminded the Board that yesterday was Veteran's Day and thanked all service men and women for their service and dedication.

4. VISITORS' BUSINESS

None presented.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - October 22, 2012 (APPROVE)
- c. Warrants - \$157,311.23 (APPROVE)
- d. Monthly Financial Report - October 31, 2012 (APPROVE)
- e. Motion - Motion to Approve - 2012 MFT Roadway Maintenance Program: Payout #2 - Final, James D. Fiala Paving Co. (APPROVE)
- f. Plan Commission Recommendation - Amendment to an Existing Special Use Permit for a Planned Unit

Development to Permit the Operation of the Vocational Trade School, Environmental Technical Institute (E.T.I.), 500 Joliet Road (RECEIVE)

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

Trustee Trilla recused himself from voting on Item 5c.

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

6. RESOLUTION - A RESOLUTION SUPPORTING GOVERNMENTAL SELF-INSURANCE POOLING AND IN OPPOSITION TO NON-PRODUCTIVE LEGISLATIVE RESTRAINTS

Management Analyst Hummel stated that Willowbrook is a member of the Intergovernmental Risk Management Agency (IRMA) who provides the Village with liability insurance. IRMA continually monitors legislation that might have a negative impact on the Village. Two pieces of legislation were introduced last year but failed to pass. If this legislation were to be reintroduced, IRMA would like the Village's support in opposing the legislation.

The first item of legislation involves an Anti-Pooling Legislation that makes structural changes to risk pooling. The second piece involves the selection of defense counsel by a municipal employee if sued in relation to job performance.

Trustee Mistele questioned who were the sponsors of the bills. Analyst Hummel stated the first piece was sponsored by Elizabeth Hernandez. There was a long list of names on the second bill and would provide the trustees with a list in the near future.

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to adopt Resolution No. 12-R-49 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, and Trilla. NAYS: Trustee Mistele. ABSENT: None.

MOTION DECLARED CARRIED

7. RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A LETTER OF ENGAGEMENT CONFIRMING THE TERMS AND OBJECTIVES TO PROVIDE FINANCIAL AND ACCOUNT SERVICES - SIKICH LLP

Administrator Halik stated that the Village has used Carrie Dittman with Sikich, LLC, on a part time basis, to provide financial and accounting services since December of 2010. Sikich has not requested a rate increase during this time. Sikich has requested an alternative arrangement be considered to allow Ms. Dittman to continue working for the Village on larger tasks and then allow a second Sikich employee, Ms. Diane Gillian, to complete smaller routine tasks that are required. There would be an increase in the rate charged for Ms. Dittman's work. The rate charged for Ms. Gillian would be a lower rate.

This new arrangement would meet the goals and objectives and will stay cost neutral. The Finance and Administration Committee has reviewed this item and approve the arrangement.

Trustee Mistele questioned if the Village still contracts with Sikich for HR purposes. Administrator Halik stated that it is a separate component.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to adopt Resolution No. 12-R-50 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, and Trilla. NAYS: Trustee Mistele. ABSENT: None.

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO ACCEPT A PROPOSAL FOR THE PURCHASE AND INSTALLATION OF SNOW PLOW EQUIPMENT ON AN EXISTING PUBLIC WORKS VEHICLE - AUTO TRUCK GROUP

Administrator Halik stated that funds were included in the Fiscal Year 2012/13 Budget to install a snow plow package on an existing 4x4 truck. The lowest qualified proposal was received from Auto Truck Group in the amount of \$4,600.00.

Trustee Kelly questioned if this vehicle would eventually be installed with a salt spreader. Administrator Halik stated that the truck would need to be fitted with an electric hydraulic pump, and in his opinion, this type of equipment is not recommended installed on a pick-up truck.

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to adopt Resolution No. 12-R-51 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Berglund, Davi, Kelly, and Trilla. NAYS: Trustee Mistele. ABSENT: None.

MOTION DECLARED CARRIED

9. DISCUSSION - EMERALD ASH BORER

Trustee Kelly reviewed an article in the Illinois Municipal Review about the emerald ash borer. Administrator Halik advised him that there currently is a project being conducted to identify all ash trees throughout Village-owned property. Trustee Kelly stated that an inventory of the Lake Hinsdale Village Property was conducted and there are 168 ash trees on their land. Four (4) have already been removed at a cost of \$400-500 per tree.

Trustee Kelly stated that in the article, the Village of Arlington Heights bonded \$11 million for the removal and replacement of their government property ash trees. The Village also funded a program that rebates homeowners for part of the cost of treatment for trees located on their private property.

Trustee Kelly stated that this could be a possible program that might help residents of Willowbrook to address their own ash tree issues.

Administrator Halik advised that an inventory of Village-owned trees is being conducted by Natural Path Urban Forestry Consultants. Preliminary counts show approximately 1,200 trees located on rights-of-ways throughout town and 1,100 trees on park land. Surrounding municipalities have averaged approximately 20% of the stock to be ash trees. When the study is returned, there should be approximately 500 ash trees.

Chemical treatments have been looked into and would need to occur every other year. The Lisle Morton Arboretum is putting less of a focus on treatment and concentrating on a removal and replacement program.

A portion of the Village's proposal with Natural Path includes a tree inventory, priority for removal, and a full integrated management plan. Removal and replacement costs have ranged from \$850.00 - \$1,100.00. Based on the results of the plan, costs could be approximately \$400,000.00 and staff would likely be

accomplished through a multi-year plan funded in-house instead of taking on additional debt.

At a recent Municipal Services Committee meeting, Trustee Berglund had recommended that when the Village goes out to bid in the Spring for pricing on the removal and replacements, there should be a public participation clause included so that residents can benefit from the volume pricing.

Trustee Berglund questioned if there are grants available for this type of funding. Administrator Halik advised that the Village has attempted to obtain funding for the inventory and was denied. Analyst Hummel stated that there are implementation grants and once the inventory is completed, those grants can be applied for.

10. DISCUSSION - MUNICIPAL ELECTRIC AGGREGATION

Trustee Kelly stated that the high-rise buildings in Lake Hinsdale Village have received a lower residential space heat rate from ComEd and the Illinois Commerce Commission. The ICC has made a decision to phase out this lower heat rate. Residents have questioned what is the Village doing about electrical aggregation. Several surrounding municipalities have passed a referendum to provide electricity through the aggregation program. Administrator Halik advised that the Lake Hinsdale Village buildings is the only development to be affected by the space heat rate because all of the other developments utilize gas forced-air heat.

Administrator Halik stated that a joint committee meeting was held in November of 2011 when the issue of electric aggregation was in the spotlight. At that time, information was presented to the committee and the recommendation was to take a wait and see approach. Administrator Halik stated that ComEd is required to buy 3-4 year blocks of electricity to offset year-to-year price changes. The Village did endorse a program through the Metropolitan Mayors Caucus where residents can contact an alternate energy provider to receive approximately a 20% discount on their electric rates.

The issue now is that the ComEd rates will be expiring in June of 2013. At that time, it is believed that ComEd rates are set to drop to the levels of the other service providers. Therefore, it is questionable whether after June 2013, the other service providers will be able to compete with ComEd.

Administrator Halik also stated that it is questionable that if the Village does move forward on an opt-out electric aggregation program, whether there would be success in obtaining a lower rate for electric space heat.

Administrator Halik stated an ordinance can be brought before the Board at the next Board meeting to have a referendum placed on the April ballot. If it passed, the Village could then start its own opt-out program. Public hearings and documentation would be required and by late summer, the Village could be on lower rates. However, ComEd rates will be out in June and should be about the same rates that the other providers have.

In case the rates are not lowered, Administrator Halik stated that with the Board's consent, the referendum question could be added on the ballot and certified in May if it was passed. Administrator Halik stated that at this time, the Village can move forward with the program or wait and see what the ComEd rates are and abandon the program if their rates drop enough. The Village is not obligated to follow through with the program if the referendum is passed.

Trustee Berglund stated that an advisory referendum is a good idea. Mayor Napoli questioned if this would affect all electric service or only those with electric heat. Administrator Halik advised that it would be for all service. Trustee Trilla questioned if residents would still be able to opt-out of the program. Administrator Halik stated that they could.

Mayor Napoli questioned if there would be any negative aspects to this referendum and if any have not passed. Administrator Halik advised he does not see any negativity and where the referendum was not passed, the municipality did not provide an adequate public awareness campaign so that the citizens knew what they were voting for.

The consensus of the Board was to proceed with passing the ordinance and following through with the referendum.

11. REPORT - ANNUAL PENSION BOARD PENSION FUND REPORT

Administrator Halik advised that this report is for informational purposes only.

PRIOR BUSINESS

12. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly stated that during the Public Safety Committee this evening, a question was raised about the compensation level for the new Deputy Chief. Mayor Napoli has asked for a copy of the new Deputy Chief's resume and employee file and has not received them as of yet.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Trilla had no report.

13. ATTORNEY'S REPORT

Attorney Hennessy stated that packets that were distributed to the Board members contain an amended redraft of the Ethics Ordinance. Attorney Hennessy requested that the trustees review the information and get back to him with any questions or comments so that at the next Board meeting, on November 26th, the ordinance can be again discussed.

14. CLERK'S REPORT

Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

Administrator Halik wanted to thank Executive Secretary Cindy Stuchl for the completion of the window treatment project in the Council Chambers.

Administrator Halik stated that all the trustees indicated that they are available for a Special Board Meeting to be held on Monday, December 17th. The regular Board meeting scheduled for Monday, December 10th will be cancelled. The 17th will be the only Board meeting in December.

16. MAYOR'S REPORT

Mayor Napoli had no report.

17. EXECUTIVE SESSION

- a. Consideration of Pending Litigation Against the Village Pursuant to Chapter 5 ILCS 120/2(c)(11)
- b. Consideration of Collective Negotiating Matters Between the Village and Its Employees and Their Representatives Pursuant to Chapter 5 ILCS 120/1(c)(2)
- c. Consideration of the Performance of the Village's Legal Counsel Pursuant to Chapter 5 ILCS 120/2(c)(1)

RECESS INTO EXECUTIVE SESSION

MOTION: Made by Trustee Kelly and seconded by Trustee Mistele to recess into Executive Session at the hour of 7:15 p.m.

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

MOTION DECLARED CARRIED

The Board reconvened the Regular Meeting at the hour of 8:02 p.m.

Mayor Napoli advised the Board that former Village President Donald Shultz (1969-1975) had recently passed away.

18. ADJOURNMENT

MOTION: Made by Trustee Baker and seconded by Trustee Berglund, to adjourn the Regular Meeting at the hour of 8:02 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

November 26, 2012.

Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.