

**MINUTES OF THE REGULAR MEETING  
OF THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF WESTCHESTER  
27 October 2009**

**CALL TO ORDER:**

The meeting was called to order at 7:04 PM and present/responding to roll call were Trustees Boyle, Casey, Fox, Novak, and President Pulia. Also present were Village Manager Urban and Village Attorney Storino. Trustee Sloan arrived at 7:05 PM.

**PRESENTATIONS:**

President Pulia presented commendations to Jim DeBoer, Paul Groom, Jim Waters, Dan Perzyna for response to a vehicle accident that resulted in saving the accident victim's life.

**PUBLIC COMMENTS:**

Mr. Steve Adams, attorney for the Park District of Westchester addressed the board regarding Active Agenda A, Ordinance Granting a Special Use for Cell Tower-10835 Wakefield. Mr. Adams stated that on Sept. 30, 2009, the Public Hearing for a Special Use Permit was approved by the Zoning Board. At the Regular Board Meeting of Oct. 13, 2009, Mr. Adams stated that Trustee Fox suggested the board defer this from the agenda to see if a location on village property could be found or zoning changed so that the village would benefit financially. Mr. Adams told the board that the Village will be aggressively challenged in the courts by the Park District if the Village delays or denies the request for a special use permit. He stated that to change any zoning laws to prevent this would be a violation of the Illinois Zoning Principles and Law and a gross abuse of the Village Zoning Authority. He has requested that the Board reject Trustee Fox's recommendation. Trustee Fox stated that he believed there were some discrepancies in the discussion and just wanted to make sure that the cell company was not playing both entities in the negotiations. He stated that his comments were made not simply because of the money, but to ensure the residents, who both boards serve, are being served to the best of our ability.

Mr. Joe Christopher, Park Board Commissioner, reported that the cell tower company first contacted the Village and then contacted the Park District after the Village could not provide a suitable location.

Trustee Fox stated that he was opposed to the cell company going to the Park District when the Village was in the process of looking for a different location. Mr. Urban reported that staff is currently in negotiations with the cell company. Mr. Adams responded saying that clears up the issue brought up by Mr. Fox claiming the two entities would be working against each other. Steve Battersby, 1905 Balmoral stated that he felt Trustee Fox brought up a good point of revenue sharing within the village. Mike Malpier expressed concern for the bad traffic on Newcastle. A sewer in front of his house is sinking and there are cracks that need filling before winter. Also, his daughter had an accident in his home and he feels the fees should be waived because she is a relative. He also feels the sewer tax is too high and a burden for senior citizens.

Tim Hinsdale asked that the board approve Active Agenda 7A, Ordinance Granting a Special Use for Cell Tower at 10835 Wakefield. He feels the residents of Westchester are getting the money so it doesn't matter whether it is from the Village or Park District. He said he wanted to relay a compliment from a resident regarding the Town Hall meeting, to the building department staff and the Village Board.

Ms. Lisa Martin, 2926 Kensington, Events Chairperson for Relay for Life, reported on the event. Ms. Martin stated that it was a successful event winning a state award for improvements in six different areas. The number of teams, participants, and survivors that took part in the relay has increased greatly from last year. She thanked the Village Board and the Park District for their support and participation.

The Village Board and staff wore pink in honor of Breast Cancer Awareness Month.

**CONSENT AGENDA:** Item 6A, Minutes from September 15<sup>th</sup> and 22<sup>nd</sup> will be tabled. Trustee Boyle made a motion, seconded by Trustee Casey for the approval of the Consent Agenda items B, C, and D, and on the roll call vote, the Board unanimously passed said motion. (AYE 7)

**ACTIVE AGENDA:**

A. Mr. Urban reported that the staff looked into the use of the Mayfair retention pond for a site for the cell tower as directed by

the Board. He said staff determined the retention pond site to be in the middle of the flood plain and therefore unusable as a cell tower site. Trustee Sloan made a motion to waive the rule of requirement that an item had to be presented at a Committee meeting before being heard at a Board meeting. Trustee Boyle seconded and the motion was unanimously approved. Trustee Boyle made a motion to approve the Ordinance Granting a Special Use for a Cell Tower at 10835 Wakefield. Trustee Sloan seconded the motion. Trustee Boyle commented that Trustee Fox got reamed unfairly and just because the Board allows a special use for one matter doesn't mean the Board must allow a special use a second time. He feels that the Board members were aware that the Village was in negotiations and doesn't believe there was any malice in any of the previous comments made. He thinks the Board was just making sure the Village was not getting played by the cell company.

Trustee Fox would still like the Village to look into revenue sharing agreements with the other taxing bodies and assures that those would be reciprocal. Mr. Urban stated that he would be attending the other taxing bodies meetings and looking into intergovernmental agreements. He said the Village is entering into one soon with the school board for a police officer in the schools, and other may come into being regarding joint purchase of salt and paper. Trustee Fox asked if the decision to grant this special use was a timing issue. Gary Kasanders, director of the Westchester Park District responded that the Park Board does not wish a delay since it could cause negotiations with the cell company to fall through. Mr. Greg Hribal commented that in the Village negotiations, timing is definitely an issue as a signing bonus will be paid if the deal is done by October 31<sup>st</sup>. Trustee Fox said that he had thought that the new Wimax technology required less cell towers and this company seem to want or require more. Mr. Hribal responded that the towers are being sited by the same company and he has been told they will work in conjunction. Trustee Fox sated that he defers to staff in this matter if they feel there is no problem with both towers going through. Mr. Urban said that there is room for more cell towers in the future. Trustee Fox said that he would prefer to wait unless waiting would cause irreparable damage to the deal. Trustee Casey stated that he would like to go forward with the approval but would like the revenue sharing investigated further. On a roll call vote the motion to approve the Ordinance Granting a Special Use for a Cell Tower at 10835 Wakefield was unanimously approved.

B. Mr. Urban reported that Trustee Novak and Trustee Sloan have created the Vendor Management Policy that was before the Board for approval. He said this policy is approved will be implemented and passed on to any vendor doing business with the Village. He said that staff would be reviewing all contracts and assure that vendors are held accountable. Trustee Sloan motioned for approval of the Resolution Adopting a Vendor Management Policy. Trustee Fox seconded the motion. Trustee Sloan stated that some companies have month to month contracts but are longer than 6 months, and this policy would be sure to capture those month to month contracts. Trustee Boyle asked that the Board get a list of vendors. Trustee Novak said part of the purpose and scope of the policy was to be aware of whom the vendors are and that they need to be aware of the policy but their cooperation is not necessary. Trustee Sloan said that all vendors would be subject to the policy if they want to do business with the Village and this formalizes the process of vendor review and getting the best services for the Village. Trustee Fox thanked Trustee Novak and Trustee Sloan for their work on the policy and had some concerns of how the review would be conducted. Trustee Novak said the review would be done in conjunction with staff and the finance committee. Trustee Sloan stated that the review would be more performance based and that no standard form was developed since the vendors and their roles are so varied. Mr. Urban commented that the policy could be adjusted as needed and that its existence serves staff as a reminder to keep in contact with our vendors. Trustee Novak stated that in the past it seemed like some vendors were not being held accountable but if the Board felt unsure, the resolution could be tabled until November. Trustee Boyle stated he was comfortable passing the resolution if the policy was seen as a working document and adjustments made as needed. On a roll call vote the motion to approve the Resolution Adopting a Vendor Management Policy was unanimously approved.

8. Manager's Report: Mr. Urban reported that Mr. Hribal has been in contact with Comcast regarding airtime for Village meetings and events. Mr. Hribal reported that Comcast is proposing giving us a four hour time slot Fridays from 12 noon to 4 pm. If the Village wanted to tape Board meetings a \$1,000 stationary camera would need to be a purchased and installed in the Board room. Mr. Urban stated that sharing of the air time with the other taxing bodies is also a possibility. Trustee Boyle pointed out that many residents do not have Comcast cable and would argue that they may not be the largest company is the Village with ATT and satellite users. Trustee Steker suggested contacting cable clubs at the local high schools for help in filming. Mr. Storino replied to a question regarding new laws regarding FOIA and stated the filming of the meetings would not be affected. Trustee Fox was in favor of taping meetings. Mr. Urban commented that events such as the Moving Wall, the 911

ceremony and the Fire Prevention week demonstration could all be televised. Mr. Urban said that the issue would be put on a future Committee meeting agenda.

10. Board member Reports: Trustee Steker commented that he has heard some great feedback from the Town Hall meeting and said Mr. DiPasquale, Mr. Saviano and Mr. Velasco did a great job with their presentations. He commented that the commendations presented to the fire department employees were for very gutsy field operations and was impressed at the combined efforts of the new guys and the veteran department members.

Trustee Boyle asked that the subject of banning video gaming be researched and brought forward.

Trustee Sloan thanked all the volunteers and contributors to the leaf bag program. He said he and Trustee Novak handled the sale of the flyer ad space and he was happy to report he was handing \$6,000 of \$9,000 in checks to Mr. Urban. He said the deliveries were made with the help of scouts, families, Proviso West ROTC, and Board members. Trustee Sloan would like to honor the scouts for their hard work at a later meeting.

President Pulia reported that the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders from Westchester schools were out raking leaves that afternoon for seniors in town. He thanked Michael Clark and his students.

Mr. Urban reminded everyone that November 10, 2009 was government day where the 8<sup>th</sup> grade students, who are essay contest winners, will be shadowing various staff members, and attending and running the Board meeting. He requested that Board members arrive around 6 pm that night to spend some time with the students. Trustee Fox stated that since November 10 is ROTC service day and November 11 is Veteran's Day it should be "Public Service Day".

11. President's Report: President Pulia reported that a case of H1N1 flu was reported at the Westchester Primary School.

Trustee Boyle reported that he attended his first Water Agency meeting and he was a little overwhelmed but intends to bring information back to the Village Board.

President Pulia reported that the Agency is pursuing grant money through engineers Baxter & Woodman for a few projects, a new agency building and pump station and a new generator.

President Pulia reported he attended an Addison Creek meeting and the manager tendered his resignation and the committee is looking for some grant money to help clean up the waterway. He said the MWRD has made great efforts in the clean up of Addison Creek in our area.

President Pulia reported that everyone had copies of the letter from the Attorney General regarding the violations of the Open Meetings Act. He said that Don Storino will be conducting a seminar on the Act and the new laws so that no repeat of the situation will occur. Trustee Sloan asked if the seminar would include the other Boards in town. Mr. Storino said he planned on doing a seminar for the new FOIA laws that all boards could be invited to, but thought a separate one for the Board in response to the Attorney General letter was appropriate. Trustee Fox stated that the Attorney General letter ruled on the specific issue regarding opening and closing of the meeting, but nothing was improper about the subject matter being discussed.

Mr. Battersby made a comment about the high cost of permits and thought that his discouraged people from improving their homes. He suggested that red light camera or stimulus money be used to give people a break on those fees. President Pulia reported that those are being reviewed and commented that the stimulus money is not ours until the money is in the bank.

With no further business to discuss, Trustee Sloan made a motion, seconded by Trustee Boyle to adjourn and on the roll call vote, the Board passed said motion (AYE 7) and the meeting was adjourned at 9:12 PM.