

**VILLAGE OF HINSDALE
BOARD OF TRUSTEES MEETING
March 11, 2008
Memorial Hall**

The Hinsdale Village Board of Trustees meeting was called to order by President Michael Woerner in Memorial Hall of the Memorial Building on Tuesday, March 11, 2008 at 7:34 P.M.

Present: President Michael Woerner, Trustees Jean Follett, Michael Smith, Cindy Williams, Vic Orlor, Bob Schultz and Tom Cauley.

Absent: None.

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Assistant Village Manager/Director of Administration Doug Cooper, Police Chief Brad Bloom, Fire Chief Michael Kelly, Director of Public Services George Franco, Director of Community Development Tim Bleuher, and Village Clerk Barb Grigola.

Also Present: Pam Lannom of *The Hinsdalean* and Alexa Jenner of *Suburban Life*.

PLEDGE OF ALLEGIANCE

President Woerner led those in attendance in the recitation of the Pledge of Allegiance.

APPROVAL OF MINUTES

Trustee Schultz moved approval of the minutes of the February 19, 2008 Board of Trustees meeting. Seconded by Trustee Follett. Passed on roll call vote. Trustees Follett, Smith, Orlor, Williams, Schultz and Cauley voted Aye. Nays: None. Absent: None.

CITIZENS' PETITIONS – NOT PERTAINING TO THE SEDGWICK PROJECT

President Woerner requested that comments on the Sedgwick project be held for a special Citizens' Petitions segment that would be added just prior to that Agenda item.

Kim Angelo of 525 E. Third Street said that the Village spent only about \$519,000 of its \$1.789 million budget for streets and sanitation. He speculated that the money went to approximately \$300,000 to prosecute and marginalize Tom Nelson, \$200,000 to a consultant to help rewrite the zoning code, \$200,000 in attorneys fees to protect the interests of The Hinsdale Club developers, \$100,000 to represent the Village in a series of legal actions by a resident who benefited from a January 2006 ordinance and \$200,000 to back an ill-fated referendum. He suggested that the Board had squandered Village resources.

Laurie McMann of 311 E. 6th Street said she supports an investigation of the Richard Payne matter, saying that a lack of resolution would be a significant overhang to the functioning of this Board. She asked that the Board face this issue with the same vigor that they have shown to other concerns.

Laurel Haarlow of 112 N. Lincoln said she was incredulous that the Board would put up with duplicitous behavior by its member. She stated that the Board's trying to rewrite history last week in explaining the dismissal of Tom Nelson clearly illustrates that there is a double standard by the President and some of his Trustees. She said their actions made the residents disappointed and angry and that they should have dropped the Nelson case as suggested by Judge Popejoy. She stated that last week's charade demeans our Village government and erodes the public trust. She further stated that there are so many task forces and commissions that the Village staff and public services are overwhelmed with work. She further noted that there is no money to fund the projects underway. She said these massive, expensive plans are overwhelming basic public services.

Bill Haarlow of 112 N. Lincoln said the new regulations are designed to preclude citizens from responding to Board comments the same evening. He noted that President Woerner was surprised that the Hinsdale Club is still being brought up after he had apologized for having papers served to citizens and said that an apology does not set everything right. He suggested that we are still paying for this abuse. He said the idea to move the Hinsdale Middle School was absurd and that Trustee Orlor's notifying Parks and Recreation after the fact was typical of how the Board handles things. He stated that the current restrictions to free speech are beyond the pale. He denounced President Woerner's restrictions and asked what the other Trustees think of them. He said that he found The Hinsdalean's failure to condemn the restrictions both stunning and revealing and suggested that the paper was hesitant to bite the hand that feeds it. He stated that the Village Board must rescind these rules.

VILLAGE PRESIDENT'S REPORT

President Woerner said the First Amendment to the Constitution does not guarantee a person the right to communicate their views at all times and in the manner they desire. It doesn't guarantee access to property just because it is owned by the government, and the public comment portion of a public meeting of a public body is a limited, designated public forum. He stated that the Village has the right to restrict comments to specific subject matter as long as it is uniformly applied. President Woerner cited several legal cases in support of these statements. He further cited that a public body does not violate First Amendment rights when it restricts citizens' speech if it disrupts, disturbs or otherwise impedes the orderly business of a public body, preventing the body from doing business in an efficient manner. He also cited a ruling that to deny a presiding officer of a meeting the authority to regulate irrelevant debate and disruptive behavior could cause a meeting to drag on interminably and deny others the opportunity to speak. The ruling further stated that a meeting of a public body is not open to endless public commentary and persons may be removed for disturbing meetings of public bodies.

CONSENT AGENDA

President Woerner presented the following Consent Agenda items for approval. At Trustee Schultz's request, Item 6a, a special use permit for the Taste of Vino, was removed from the Consent Agenda.

ITEMS RECOMMENDED BY THE ADMINISTRATION & COMMUNITY AFFAIRS COMMITTEE

Item #1: Move to **Approve a purchase order in the amount of \$11,284.00 to C.B. Paving, Inc. for completion of the asphalt path at Brook Park.** (Omnibus vote)

ITEMS RECOMMENDED BY THE ENVIRONMENT & PUBLIC SERVICES COMMITTEE

Item #2: Move to **Approve an ordinance deleting Section 4-2-12 of the Village Code of Hinsdale and adopting a new Section 4-2-12 regarding Smoke Free Air Regulations.** (Omnibus vote)

Item #3: Move to **Approve an ordinance amending Subsection 3-2-5 of the Village Code of Hinsdale regarding Municipal Telecommunications Tax.** (Omnibus vote)

Item #4: Move to **Award a bid for downtown landscaping contract to the T.L.C. Group in the amount of \$58,265.13.** (Omnibus vote)

Item #5: Move to **Award a bid for the installation of a fire sprinkler system in the basement of the police/fire building to C.L. Doucette in the amount of \$47,600.00.** (Omnibus vote)

Item #6: Move to **Approve a resolution approving a certain contract change order for the 2006 Road Program in the amount of \$64,925.63.** (Omnibus vote)

Trustee Smith moved to approve the above items. Seconded by Trustee Orlor. Passed on omnibus roll call vote. Trustees Follett, Smith, Orlor, Williams, Schultz and Cauley voted Aye. Nays: None. Absent: None.

TEMPORARY USE PERMIT FOR TASTE OF VINO

Trustee Schultz suggested that we look closely at spending Village money on a for-profit business event when we've had to cut many non-profit programs. Trustee Orlor said he supports this to promote Village business and the vitality of downtown and that the out-of-pocket cost is minimal because it's only in-kind service. Village Manager Cook advised that only about \$1,000 of the \$3,000 personnel costs is actually overtime, so there would be no real budget impact. Police Chief Bloom concurred. Trustee Smith agreed with Trustee Orlor that we should support downtown business with this in-kind service, and he added that he thinks the sponsors of this event did in-kind work for us during the Davy Jones concert. Assistant Village Manager Cooper confirmed that the event would generate sales tax.

Trustee Smith moved to **Approve a temporary use permit to allow A Taste of Vino to hold an event entitled "Live and Local Flavor" for four nights, as well as permission to close Chicago Avenue from Washington to Lincoln from 3:00 until 10:00 on the date of each event, contributed police and public service support, and to allow the sale of beer and wine upon the acquisition of a special event license.** Seconded by Trustee Cauley.

Passed on roll call vote. Trustees Follett, Smith, Orlor, Williams and Cauley voted Aye. Nays: Trustee Schultz. Absent: None.

ADMINISTRATION AND COMMUNITY AFFAIRS

ACCOUNTS PAYABLE

Trustee Cauley moved the **Approval and payment of the Accounts Payable for the period of February 15, 2008 through March 7, 2008 in the aggregate amount of \$1,474,505.32 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Seconded by Trustee Orlor.

Passed on roll call vote. Trustees Follett, Smith, Orlor, Williams, Schultz and Cauley voted Aye. Nays: None. Absent: None.

ZONING AND PUBLIC SAFETY

SEDGWICK DEVELOPMENT

Attorney Florey explained that there were 3 items on the agenda: 8a) a map amendment changing the zoning, 8b) approval of changes to the subdivision plat and 8c) a special use permit and exterior appearance plan. He noted that Items b and c would only be voted on if the map amendment passes.

CITIZENS' PETITIONS – PERTAINING TO THE SEDGWICK PROJECT

Andrew Brickman of 25 East 5th Street asked why it should be changed now if it wasn't zoned that way originally. He suggested that this is a bailout because the project failed and stated that it is not the Commission's job to bailout the developer.

Jerry Hughes of 24 S. Oak Street said that the project violates the 20-acre rule and suggested that the developer's reinterpretation of the acreage is playing games and that the size didn't get any smaller when they deeded the streets to the Village. He said the buck stops with the Board and reinterpretation is a slippery slope that could generate lawsuits.

Glen Bjorken of 923 S. Bruner Street said that the zoning code serves a purpose. He said it is important to maintain single family housing in Hinsdale and not to cave to special interests. He also noted that we already have the Hamptons, with 100 condos being built for empty nesters.

Jay Javers of 631 S. Garfield remarked on the letter to the editor in which Kathryn Schuler wrote that our forefathers built a legacy we should be proud of. Mr. Javers noted that the zoning code is not cast in stone and that things change. In the 1800's people lived shorter lives and there were no empty nesters or retirement homes. He said that this is a well-conceived plan that a lot of dedicated volunteers worked hard on and the Board should approve it. He stated that it sends a bad message to various committees not to take their recommendation.

Catherine Schuler of 5544 S. County Line Rd said that tradition is a good thing and it offers stability. She stated that, while change is good, the zoning code was written to protect residents and to keep the Village single-family. She said that if this is approved, it would change how we live and how we see life. She asked the Board to keep it R-2.

Mary Angelo of 25 E. Third Street said that 2,000 residents signed the petition to object to the development and they are neither naïve nor susceptible as the developer has suggested. She noted that residents from all areas of the Village signed the petition. She thanked Rareland for their efforts protecting the Village and asked the Board not pass this resolution.

Michael Misner of 1405 Chanticleer, an architect and a resident, said that Sedgwick has been redesigned and re-reviewed and it has been much maligned, thwarted and misrepresented by a minority of special interest groups. He said he is ashamed and angry and saddened by the lynch mob. He believes that this would not have happened if the developer were from Hinsdale, like McNaughton, Thompson or Dressler. He said he sat on commissions both times this issue came up and that it was a toss-up whether to make it R-2 or R-3. He said they made the decision with the understanding that it could be rezoned, if necessary. He also advised that the property originally was institutional and had no zoning. He challenged Rareland to find the money to buy the IBC property at Ogden and Adams and develop something that Hinsdale will be proud of. He thanked the Board and offered his respect to them.

Bill Seith of 917 Cleveland Rd showed some aerial photographs of southeast Hinsdale in 1938 and today. He noted the increase in homes from 3 to 22 on Cleveland Road and the formerly vacant land and farmland in the northern portion of The Woodlands, which has been filled in with streets, houses and a tollway. He believes that change is inevitable and what's important is how you manage that change. He cited the 2005 survey that found that 82% believe that Hinsdale should remain primarily single-family, but that 82% also believe that older residents leave Hinsdale because they can't find suitable housing options. The survey further found that residents support more condos and townhouses if they are high quality and in keeping with the Village's character (70% support) and at appropriate locations (78% support). A second survey in 2006 found similar results with 69% opposing a ban on new multiple family developments and 13% planning to sell their homes in the next 5 to 10 years and preferring multifamily housing in Hinsdale if it were available. He noted that SEG 5 determined that special consideration should be given to empty nester housing which is respectful of neighborhoods and the charm and character of the Village.

Sam Eddins of 202 East Fourth St asked the Board to consider the ramifications of approval, citing current insurance, banking and housing statistics and noting that 2% of U.S. homes are currently in foreclosure. He stated that home prices are down 10% this year and are estimated to fall 25% to 40%. He said housing starts are down 60% from their peak and 35% since July 1, 2007 and that building permits are down more. He advised that there are currently 456 Hinsdale properties listed on realtor.com, representing about 8% of our housing stock, and there are others not included in the Multiple Listing Service. He noted that he is worried about our budget estimates, which project 15% revenue increases in electrical and building permits. He said that if the zoning changes are approved, it will not bring people to buy and the odds are that the project will not get done. He asked to maintain the existing zoning.

Jane Hardies of 514 Pamela Circle handed out a summary of the 1,900 Hinsdale residents who signed a petition to keep the property zoned R-2. She held up a Hinsdale map showing that the petition signers live in all quadrants of the Village.

Bill Seith commented that his house is highlighted on her map and he did not sign.

Peter Fury of 234 East First Street said that we all love this town for its character; it's a great place to raise a family; and it can't be duplicated anywhere in the western suburbs. He suggested that certain builders have taken advantage leaving Hinsdale's character destroyed. He asked that the Code be upheld and the zoning not be changed from R-2, saying that character counts.

James Schuler of 5544 South County Line Road said the perception is that this appeal for a zoning amendment change is a thinly disguised bailout plan for the developer. He stated that it is not up to the Village to give an advantage to a developer. A second perception is that our Village officials are not listening to the people. He asked why the Board is not listening when just under 2,000 residents have signed a petition. He said that to ignore them is not going to help rebuild trust in our elected officials and we can't afford a lack of trust. He believes a third perception is that rezoning would set a very dangerous precedent for other developers and that we will be deluged with requests for amendments. He suggested that these perceptions could become reality if the Board approves this amendment.

Nancy Usher of 544 North Washington said that this project should not be on the agenda because it violates the Hinsdale 20-acre code. She added that the plan calls for the Village to bear the costs of maintaining the streets and this is the first time she's seen a PUD that did not maintain its own streets.

Bob O'Donnell of Rareland said that if the 20-acre rule were to apply it would require a 35-foot open landscape buffer around the entire perimeter of the planned development. He submits that the 20-acre rule does apply because the roads should not be excluded from the area and the plan is therefore 24½ acres. Under the 20-acre rule, the development is not in compliance with the perimeter requirements. Mr. O'Donnell said that the right of way exclusion must be at the time of application, which was August 2007. He cited an e-mail dated October 2007 from Village Manager Cook stating that the Village had not accepted Hanna Lane and Barton Lane at that time. Therefore, he contended, the developer was incorrect to exclude the roads. He further noted that Section F-2 of the agreement between the developer and the Village states that no improvement shall be accepted by the Village until it is approved by the Board, which it has not been. He also stated that the code states that the perimeter requirements shall not be waived under any circumstances. Mr. O'Donnell said that the Hinsdale Village Code mandates denial of the text amendment and planned development.

SEDGWICK DEVELOPER PRESENTATION

Mr. Thomas R. Burney, attorney for the developer, responded to Rareland's claim by saying that the definition of area gross excludes properties in public rights of way. He said the property had been accepted in the subdivision plat for this property that clearly indicates that the property has been dedicated. He said it was accepted by the Village President when he signed it; it was accepted by Plan Commission; and it was recorded by the Village Attorney and bears a recording number on it. He said that Plan Act Section 3 of Illinois law says that the acknowledgement or recording of such a plat shall be held as donated or granted to the public. He stated that it had been laid out for public rights of way; sewer lines have been added; the roads have been improved and open to the public and there is no way of getting around the exclusion of right of way. He further noted that the definition of area gross is in our Code. He stated that you can't count Hanna Lane and Barton Lane in terms of the density because the Village owns that property.

He also said that our staff, our Village Manager and our Village Attorney have concluded that the perimeter buffer is not additive. He said that the Section 12-206 states that it is the area or areas of the lot including required yards. He further noted that the e-mail from Village Manager Cook that was cited by Mr. O'Donnell referred to the improvements to the roads, not the roads themselves, as not having been accepted.

Warren James, Principal of Edward R. James Partners and Hinsdale Meadows Venture reiterated that the Village owns the rights of way and that the code says specifically that you don't include the rights of way when calculating total land area. He said that without the roads, the plan is less than 20 acres and is therefore not subject to the setback requirements discussed by Mr. O'Connell.

He noted that there have been numerous public hearings at which residents have had the opportunity to speak out about this plan, and at least 120 residents have offered public comment. Of those, 64 spoke in favor of this proposal. In the experience of his colleagues, no one has ever heard of 64 people coming out to speak in favor of a development.

He stated that they need at least 4 out of the 6 Trustees to vote in favor of this plan because of an Illinois statute that requires a super majority of more 20% of the people fronting a property protest the proposal. He noted that the Plan Commission recommended approval. The map amendment was closest at 5 to 4 positive vote; the special use permit and planned development received a 6-3 vote; and the site plan, exterior appearance and preliminary plat all received 7-2 votes.

He said the plan provides empty-nester housing that includes first floor masters in a maintenance free environment. It is subject to a 100% mandatory age restriction requiring that at least one owner occupant be at least 55 years or older. He estimated that with few school-aged children, the development would provide more than \$720,000 in additional revenue for the schools each year. He also predicted less traffic from this R-5 development.

He noted that many amenities have been added to this plan and that the setbacks along 55th Street and County Line Road are the same as those currently platted for the R-2 property. He said the single-family attached homes have been designed to appear as large single family homes to preserve the single family character of the Village. He advised that this plan is less dense than 2/3 of all the single family lots in Hinsdale. He also noted that they have already agreed to a reverter clause that will automatically revert to R-2 if they do not go forward with the plan as proposed. They have also agreed to a deed restriction that will not allow Lots 1 and 2 to be subdivided.

Mr. James asked for the Board's approval, saying that there are many community benefits to this plan. He stated that Edward R. James Partners will not go away if this is not approved. He said they still have the right to build 36 single family homes, but questioned whether adding 36 more large, single-family homes is the best use for this property.

Attorney Florey noted that since the Village has received a protest from more than 20% of the owners fronting the property, it requires at least 4 out of 6 Trustees in favor to pass. In the event of a 3 to 3 tie, the President cannot vote to pass the amendment.

CONSIDERATION OF AN ORDINANCE TO APPROVE A MAP AMENDMENT FOR THE SEDGWICK PROJECT

Trustee Follett moved to **Approve an ordinance approving a map amendment plan for the Sedgwick of Hinsdale Development to be located at the southeast corner of 55th Street and County Line Road.** Seconded by Trustee Orler. A discussion followed.

Trustee Follett said she was for the map amendment because she thinks having multiple generations makes a village special and she believes that it is better to manage the inevitable change with a high quality builder and a plan that maintains the character of the Village. She said the Board does not go out looking for developers and they are not bailing out the developer. She said she was concerned about the alarmist talk about this development. She noted that two thirds of our houses have higher density. She also noted that this project represents only 1% of the housing in the Village, while 35% of our single-family houses have already been replaced by houses three times the size of the original house on the lot. She said she did not see Rareland objecting while these tear-downs were occurring even though that had a bigger impact on our Village character.

She stated that she is not worried about this PUD setting a precedent since each development stands on its own merits. She cited public benefit from not only the amenities and grounds, but also the fact that it would put property on the tax roles that has never been on before. She stated that this age-restricted housing would have less impact on our schools and streets than R-2 because the residents are less likely to have school-aged children and more likely to be gone to other homes. She also noted that impact of any additional traffic on area housing will be minimal because there is already heavy traffic on 55th and County Line. She suggested that the 2,000 petition signers do not represent a majority of Hinsdale's 15,000 adult residents.

Trustee Smith said he agreed with many of the points Trustee Follett made. He noted that 15-20 years ago residents down-sized to the Village's many smaller houses, which are now nearly gone. However, he made his decision against the amendment for the following reasons.

1) There are two new empty-nester options available today. Hamptons Place with 119 units, of which 11 of 14 townhouses and 16 of 23 condos are still for sale. He noted that they have first floor master bedrooms and elevator options. Secondly, the Hinsdale Club will have 145 to 160 condominiums and townhouses. He feels that in this slow market, that's a lot of supply.

2) The zoning code is important. He said it should be overruled only when the public good demands it. He found that 7 of the 14 points of the code apply to this PUD. The first is that the purpose of the code is to maintain the Village with predominantly single-family housing. Another code concern is whether a development will diminish the values of adjacent property, which many of the neighboring residents believe it will. He also said that it looks like the 20-acre rule applies.

3) Public opinion appears to be against the development. He feels that 1,900 signatures is a valid public opinion and that we did not see 1,900 in favor. He also tallied the e-mails the Village received for and against the amendment, with 85 against and 72 in favor (54% vs. 46%). Rareland checked the public record during the plan commission meetings and found that 25 different people spoke against the development with 17 speaking in favor (60% vs. 40%).

Trustee Orler said he respects the work of the Plan Commission and plans to approve their recommendations. He said they have decreased the number of units, increased the mix of detached single family houses, increased open green space and walkways and minimized front-loaded garages. 9:37

He stated that the 2000 Census showed there was a 20% increase in the 55 to 59 age group in Hinsdale and that 25% of households are expected to be empty-nesters in the next decade. He also noted that our Hinsdale survey showed that 75% of residents said that empty-nester housing should be encouraged by the Village in the appropriate locations and 70% support more condos and townhouses if they are high quality and in keeping with the Village's character.

Trustee Orler advised that the plan's 14,000 feet per unit is less dense than 68% of the lots in Hinsdale and that its 3.1 units per acre is about equivalent of R-3 zoning.

He noted that the impact on the school districts would be minimal because of the age restriction and the development would generate annual net tax revenue of \$500,000 for District 181 and \$220,000 for District 86. He advised that remaining R-2 could add 30-35 students.

He believes the Sedgwick Development offers a unique product that is different from the Hamptons and the Hinsdale Club because of its low density. He noted that there are currently 73 houses priced at over \$2.0 million for sale in Hinsdale and believes that adding 36 more at that price point would be bad for the Village. He said Sedgwick plans to price their units at \$900,000 to \$1.9 million, and there are currently only 3 town homes or condominiums for sale in Hinsdale for over \$1.0 million.

Trustee Williams agrees that there are many desirable elements of this plan, but she is not in favor of revisiting this issue on the same piece of property. She believes we should not rezone just because we have a depressed housing market and that this is akin to a bailout. She also suggested that the survey should not be used to justify even more

empty-nester housing. We should strive to maintain what we have and protect that lower zoning classification where we have it. She cited the legal standard for a zoning change – a significant public demand that is not being met – and said it doesn't apply here.

She also believes that having 2,000 residents sign a petition is very significant in a Village where 3,000 to 4,000 people usually vote. She also feels it would set a precedent for future developments. She noted that there was not a consensus on this issue and urged the commission and the developer to work together to get the best plan for our community.

Trustee Schultz said he agreed with Trustee Follett that the development should be approved. He believes the plan is less than 20-acres and that it is not a bailout. He suggested that there are many benefits to the Village, such as less traffic and the positive impact on our schools. He also noted that Mr. James had offered to help with some KLM improvements. He cited support for this change from SEG 5 and our survey. He further stated that if the plan fails, if he is willing to sit down with Mr. James and Rareland to come up with a consensus plan for the property.

Trustee Cauley said he believes that the project clearly violates the 20-acre rule. He cited the code saying that it refers just to acreage, not gross area or total area; therefore taking out the roads does not apply. He many of the units are in violation of the 20-acre rule and this is a non-waivable provision. He suggested that to ignore this would expose the Village to litigation.

He also noted that the proposed change is a big one – from R-2 to R-5 – and the Plan Commission and the community are split on the issue. He said that while there was strong support for empty-nester housing, there was also strong support against R-5. He feels that empty-nester housing and our zoning code are not mutually exclusive and suggested they work with the developer to come up with a project that satisfies everyone.

President Woerner closed the discussion and called for a roll call vote on the motion. Trustees Follett, Orlor and Schultz voted Aye. Nays: Trustees Cauley, Williams and Smith. Absent: None. The motion failed to pass with a 3-3 vote.

President Woerner announced a 10-minute recess at 10:10 p.m.

Meeting reconvened at 10:20 p.m.

President Woerner advised that Items 8b and 8c are off the agenda because 8a failed to pass. Trustee Smith stated that there were no other reports from the ZPS.

ENVIRONMENT AND PUBLIC SERVICES

No reports.

ELECTRONIC COMMUNICATIONS ISSUES/INVESTIGATION

President Woerner reminded the residents of his comments regarding the issue of investigating any Trustee for any reason, and stated that no village board in the State of Illinois has any investigative or subpoena powers over any elected official. He feels that it would be costly and improper for the Village to pursue this matter. He urged any citizen who feels they have been wronged or a victim of any criminal act to call the State's Attorney. However, he had said that if a Trustee still wants to propose a motion, he will entertain that motion. He advised that Trustee Smith had sent him a request to place this item on the agenda. President Woerner noted that there has been no contention that the e-mails were authored by a Village official while performing Village duties. To pursue an official for what he or she has done as a private individual would expose the Village to liability for violating an individual's rights. He noted that the Supreme Court ruled that authors of written materials have a constitutional right to remain anonymous even if they are public officials. He cited several court rulings regarding freedom of speech for public officials.

Trustee Smith asked for a discussion prior to making a motion. President Woerner said that the motion is to be made prior to the discussion.

President Woerner called for a brief break at 10:34 p.m.
Meeting reconvened at 10:36 p.m.

Trustee Smith said he had promised to investigate this issue and he is trying to follow through on that promise. He stated that his goal is to regain the citizens' trust. He asked for the cooperation of his fellow Trustees. Trustee Smith moved to **Authorize our President to send a written request to Trustee Schultz to voluntarily cooperate in an informal investigation by this Board of Trustees regarding the allegations in the public realm that he used a pseudonym to author several electronic communications.** There was no second, so the motion is not before this meeting.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

None.

STAFF REPORTS

None.

CITIZENS' PETITIONS PERTAINING TO ANY VILLAGE ISSUE

Jack Uretsky of 206 N. Grant suggested that instead of creating rules restricting our freedom of speech in these Village meetings, we should celebrate our dissension and our right to speak out. He spoke of the fear of the Secret Police he saw in his colleagues in Soviet-ruled Romania in 1970 as an example of how lucky we are to have freedom of speech. He also cited a 1972 Supreme Court opinion saying that tumult and even offensive utterances are necessary side effects of our constitutional right to freedom of expression.

Richard Johnson of 719 S. County Line Road thanked Trustee Smith for trying to unite this community.

Chris Elder of 321 S. Garfield thanked Trustee Smith and said that the anger President Woerner showed on this issue are a fraction of the anger the residents feel.

Kim Angelo of 525 E. Third Street said he thought it was ironic that the Board was so concerned about the first amendment rights of anonymous posters yet it has curtailed residents' rights to freedom of speech. He stated that on Feb 21st Judge Popejoy confirmed Trustee Cauley's opinion that the Board's January 8th Findings of Fact were not sufficient and that it was clear that at least one Trustee did not limit his decision to the matters in evidence. He noted that President Woerner said he welcomed the March 9th do-over in the courts, which incurred considerable expense for the Village. He suggested that Judge Popejoy's remarks imply that Mr. Nelson should expect to remain on the ZBA and said that the Village tacitly acknowledged this when it removed Mr. Anglin's name from the Village website and cancelled the February 27th ZBA meeting, which can't be done legally except by a ZBA President or Chairman. Meanwhile, cases are piling up, residents' rights have been abrogated and unintentional consequences of a feckless Board continue.

Segita Balzekas of 521 Pamela Circle advised that she was an accidental recipient of a NoCave at bigstring.com e-mail that was addressed to the Hinsdale Monitor e-mail address. She said that knowing there was one NoCave e-mail that was threatening, she called a policeman to be there when she opened it. She said it didn't appear there was anything threatening in the e-mail but she thought it had an effect of wanting to intimidate. She suggested that the Board's non-action tonight indicated tacit acceptance of this behavior. She said she hopes the Board uses this incident to formulate a policy regarding communication.

TRUSTEES COMMENTS

President Woerner said that the Village Board has no guidelines regarding proper behavior and protocol and he asked that the Communications Task Force author guidelines on proper communication. He said because this is a legal issue, he added Trustee Cauley as a Board liaison to this Task Force to bring guidelines back to the Board.

Trustee Follett said that Mr. Angelo should have called the Board to ask about and said that the money set aside for road projects is ear-marked by the state and cannot be used for other projects. She said some of the projects were put off for engineering reasons and coordinating with storm water projects.

She challenged Mrs. Haarlow's comments that major changes have not been vetted by the whole community. She said the Hamptons, Foxford, Sedgwick have all been very public processes, and she cited several meetings that few or no residents attended.

Trustee Cauley said he disagreed with Trustee Smith's request to investigate Trustee Schultz. He said Trustees can only be removed for criminal conduct and there has been no criminal conduct here. He thinks that the Board's time and energy would be better spent addressing the problems of the Village. He noted that he felt the same way about the Tom Nelson investigation, which he thought that was a bad idea.

Trustee Smith suggested that we investigate raising funds for infrastructure repairs through a bond issue in case the sales tax referendum does not pass. He also noted that the funds would become available sooner through a bond issue.

ADJOURNMENT

Trustee Follett moved to adjourn the meeting to Closed Session under 105 ILCS 120/2c (11) to discuss litigation not to reconvene in Open Session. Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Smith, Orler, Williams, Schultz and Cauley voted Aye. Nays: None. Absent: None.

Meeting adjourned at 11:07 P.M.

ATTEST: _____
Barbara J. Grigola, Village Clerk