

**VILLAGE OF HINSDALE
SPECIAL MEETING OF THE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
July 17, 2018**

The specially scheduled meeting of the Hinsdale Village Board of Trustees was called to order by Village President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, July 17, 2018 at 7:30 p.m., roll call was taken.

Present: Trustees Christopher Elder, Michael Ripani, Luke Stifflear, Matthew Posthuma, Neale Byrnes and President Tom Cauley

Absent: Trustee Gerald J. Hughes

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager/Finance Director Darrell Langlois, Assistant Village Manager/Director of Public Safety Brad Bloom, Deputy Chief Tom Lillie, Deputy Chief Tim McElroy, Director of Public Services George Peluso, Director of Community Development/Building Commissioner Robb McGinnis, Village Engineer Dan Deeter, Superintendent of Parks & Recreation Heather Bereckis, Recreation Coordinator Sammy Hanzel, Administration Manager Emily Wagner, Management Analyst Jean Bueche and Village Clerk Christine Bruton

PLEDGE OF ALLEGIANCE

President Cauley, along with Miss Leah Neville and Miss Maggie McCarthy, led those in attendance in the Pledge of Allegiance.

APPROVAL OF MINUTES

a) **Meeting of June 12, 2018**

Trustee Elder moved to **approve the draft minutes of the regular meeting of June 12, 2018, as presented.** Trustee Ripani seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

FIRE DEPARTMENT SWEARING IN

President Cauley noted that there are two Fire Department promotions on the agenda this evening; Mike Neville is being promoted to Captain and Tom McCarthy is being promoted to Lieutenant. Typically, the wives join their husbands and pin on the new badge of rank, however, since both Mike and Tom's fathers are retired Firefighters, their dad's will do the honors.

President Cauley administered the Oath of Office to Captain Mike Neville and to Lieutenant Tom McCarthy. He congratulated both on behalf of the Village Board, and added that he has gotten to know these men over the years and is glad to see these promotions.

CITIZENS' PETITIONS

None.

PUBLIC HEARING – SPECIAL SERVICE AREA #14

President Cauley called to order the Public Hearing for Special Service Area #14 for the construction of a new parking deck in the downtown area of Hinsdale at 7:40 p.m.

He explained that an Ordinance was passed by the Board of Trustees on May 15, 2018 proposing Special Service Area #14, and notice of the public hearing was published in the Hinsdalean on June 21, 2018. Notice was also mailed to each real estate tax assesse for each parcel located within the proposed special service area.

Construction of the new two level parking deck will provide 319 parking spaces to be owned and maintained by the Village and located within the special service area. The deck will be financed by a levy of a direct annual tax, as part of the real estate tax bill, at a rate not to exceed \$0.3742 per \$100 of the equalized assessed value of the property for a period of not to exceed twenty years.

President Cauley asked if there were questions or comments from any person present.

Ms. Kedra Olsen of 111 S. Grant, addressed the Board and asked that her property be excluded from the SSA. This property is an old house converted to commercial rental spaces, and when they purchased the property, they put in a parking lot and a retaining wall at great expense. Theirs is a 21 year practice and they are underwater on the building, and have no leeway to charge more rent to cover the \$700.00 assessment. This would be a hardship. President Cauley said they will look into this, and explained the Village looked at a variety of different ways to pay the debt, but hope to keep the integrity of the SSA. She stated she is not a retail business and the parking deck is of no value to her. She said their current parking meets their needs.

Mr. Dennis Jones CEO of Hinsdale Bank and Trust located at 25 E. First Street, stated when the bank bought the property 25 years ago they paid a sizeable price for parking. He believes part of the objection to the SSA is a communication issue, and that some believe the SSA is intended to pay the entire cost of the parking deck. He advised the Board to clarify with property owners that the Village is still handling a significant burden of cost. He believes most property owners in the SSA area do not find this burdensome. In his business, parking is less important, but additional parking is critical for the vibrancy of the community. President Cauley added that the business people in town want this additional parking for merchants and employees, and that the amount assessed through the SSA has been locked in. If there is any increase in cost, the Village will pay the difference.

Ms. Nancy McKeague of 42 S. Bodin St. addressed the Board and referenced the 1% sales tax increase in 2009. Assistant Village Manager/Finance Director Darrell Langlois confirmed that fee is still levied, but the sales tax rate went down slightly because of a decrease in the Water Commission rate. Ms. McKeague suggested sales taxes be used to pay for the deck, but Mr. Langlois explained that as a non-home rule community, it is not within our authority to

adjust the sales tax rate. The current 1% is allocated to ongoing road work. Ms. McKeague doesn't think it is fair for small businesses to have this additional cost to doing business. President Cauley pointed out that he and staff felt the smaller deck was adequate, but it was the business community that was adamant the larger deck be built.

Mr. Chris Lekatsos, property owner at 39 S. Washington, addressed the Board and complained that he has had no communication regarding the SSA. He asked if the Village could send a petition to owners to object to the SSA. President Cauley explained the problems with disseminating information to owners and residents, and it was clarified that Mr. Lekatsos had in fact received the legal notice for the public hearing. President Cauley further explained that \$700 is the maximum any owner would be assessed for up to 20 years. Mr. Lekatsos acknowledged the need for the parking deck, stating it is long overdue, but added it should be obvious to the Chamber these costs would be passed on to tenants.

Mr. Tom Bayer of Klein, Thorpe and Jenkins, attorney representing the Village, explained that there is no standard form of petition, that a letter objecting to the SSA from a property owner could be considered as such. Any petition would be due by Monday, September 17th.

Mr. John Berger, Chairman of the Chamber of Commerce, addressed the Board and confirmed several meetings have been held to inform business owners about the deck and the costs. He understands the importance of educating people on this matter, so that they understand what they are paying for, but can't guarantee that the information is getting moved forward. The Chamber is doing their best to spread the word, it has been in the papers, too.

Mr. Jones commented that the public hearing notice was sent to the property owners, but business owners weren't provided notice. President Cauley asked that a letter be sent to property owners and business owners, and noted that the Village is interested in fully vetting this matter.

Trustee Elder made a **motion for final adjournment of the public hearing for Special Service Area #14**. Trustee Posthuma seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

President Cauley declared the public hearing adjourned at 8:14 p.m.

VILLAGE PRESIDENT'S REPORT

President Cauley thanked Superintendent Heather Bereckis and Recreation Coordinator Sammy Hanzel for their hard work on the Fourth of July Parade and festivities. It is a great parade and they do an outstanding job. Trustee Stifflear added he is always impressed by the number of people from neighboring municipalities that attend Hinsdale's event.

Ms. Bereckis thanked the Board for their recognition stating it takes about nine months of planning for the parade, but they love what they do, and are happy Village residents enjoy this long-standing tradition.

FIRST READINGS – INTRODUCTION

Administration & Community Affairs (Chair Hughes)

a) **Approve an Ordinance Authorizing Transfers of Appropriations within Departments and Agencies of the Village for the Fiscal Year May 1, 2017 to April 30, 2018**

President Cauley introduced the item stating this ordinance is approved every year to make sure fund balances align with appropriations. This item will correct those instances when actual spending on a particular line item exceeds the original appropriation. This ordinance reallocates funds within line items in each department in order to balance the line item appropriations. There is no impact on the budget.

The Board agreed to move this item to the Consent Agenda of their next meeting.

b) **Approve the issuance of a blanket purchase order in the amount of \$50,000 to GovTempUSA, LLC for professional services**

President Cauley introduced the item; Assistant Village Manager/Director of Public Safety explained that GovTempUSA is a government recruiting agency. President Cauley added they are a good resource for highly qualified people. Some of the outstanding projects require a level of expertise staff may not have, and staff time is stretched. These are projects that need to be done, and this is a way to get them done. These projects include a water rate study, Historic Preservation Commission clean-up, loading space requirements, floor area ratio (FAR), sign code and lighting standards. This approval will increase the authority of the Village Manager from \$20,000 to \$50,000. As the projects come up, they can be brought forward for discussion by the Board. Village Manager Kathleen Gargano explained that work to date has slightly exceeded her authority. President Cauley said the worst situation is one-off projects, but this is a way to fix the issues that come up over and over again. It was noted the Board would be informed of the expenses, and the projects are billed on an hourly basis. Ms. Gargano described the value and success of these projects to date, and Mr. Langlois added this is more effective than a traditional consultant. Trustee Stifflear asked that budgeted dollars and estimated hours be provided at the beginning of a project and tracked to set an expectation for the vendor.

The Board agreed to move this item forward for a Second Reading at their next meeting.

Environment & Public Services (Chair Byrnes)

d) **Approve a Highway Authority Agreement, Environmental Land Use Control, and Environmental Indemnity Agreement with Exxon Mobil Corporation for 8 W. Chicago Avenue**

Trustee Byrnes introduced the item that addresses a leaking storage tank at 8 W. Chicago Avenue. He said the Illinois Environmental Protection Agency (IEPA) has a process for handling these problems when soil borings indicate the leak is confined, and contaminated areas have been paved over. Additionally, an Environmental Land Use Control form is required to specify that no groundwater wells will be allowed within the adjacent right-of-way, and there is an indemnity agreement with Exxon Mobil for any future problems. These agreements have been reviewed by Hough and Hough. President Cauley clarified that no remediation will be necessary if the property stays in the existing state, and no well is drilled, and no potable water is taken from this area.

Ms. Jennifer Martin representing Exxon Mobil, explained the only restriction is not to draw water from this area, there are no limitations on maintaining the parking lot.

Mr. Dennis Walsh, Klein, Thorpe & Jenkins, addressed the Board. He drew up the agreement before the Board. The agreement allows the contamination to stay in place under the parking lot, and the parking lot can still be maintained without issue. He confirmed the only limitation is there can be no well or use of the groundwater. He explained that the agreement will run in perpetuity unless the contamination dissipates, and that this is common practice for these situations.

The Board agreed to move this item to the Consent Agenda of their next meeting.

e) Award the Engineering Services for Design of the 2019 Infrastructure Project to HR Green, Inc. in the amount not to exceed \$151,950

Trustee Byrnes introduced the item that begins the process for next years' road construction. The Village went out to bid, and HR Green was the successful bidder. This work will include the sewer separation that has been scheduled, and roads that are in poor condition that did not get fixed this year are included. President Cauley added that HR Green has always done a first rate job for the Village.

Village Engineer Dan Deeter requested permission to start surveying and begin work prior to a second reading due to limited time. The Board had no objections.

Discussion followed regarding standard contract terms and conditions for the Village. Trustee Ripani had concerns regarding attorney fees and limitation of liability. Mr. Peluso pointed out that motor fuel tax funds are being used for this project, and there is a standard IDOT contract, but the suggested changes can be incorporated in the contract with HR Green. These changes will be included in the materials for the second reading of this item.

The Board agreed to move this item forward for a Second Reading at their next meeting.

Zoning and Public Safety (Chair Stifflear)

f) Approve an Ordinance Amending Parking Regulations in Section 6-12-8, Schedule VIII (No Parking Zones) relating to Vine Street Between Walnut and Hickory

Trustee Stifflear introduced the item that was brought to staff by a concerned resident regarding a small hill that impedes visibility on Vine Street between Walnut and Hickory. The Police Department conducted an analysis, and Deputy Chief Lillie recommends prohibiting parking on the east side of Vine so there will always be two lanes of travel available. Trustees Stifflear and Elder commented that from their personal experience, this is a good outcome.

The Board agreed to move this item to the Consent Agenda of their next meeting.

CONSENT AGENDA

Administration & Community Affairs (Chair Hughes)

- a) Trustee Elder moved **Approval and payment of the accounts payable for the period of June 13, 2018 to July 17, 2018, in the aggregate amount of \$5,124,481.92 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Posthuma seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

The following items were approved by omnibus vote, with the exception of Item 9e, which was removed for separate discussion at the request of Trustee Stifflear.

- b) **Approve the award of competitive bid #1643 to install a fiber computer network under the terms as specified in the bid documents to Ashburn Power & Light Incorporated of Alsip, IL for a cost not to exceed \$22,539** (*First Reading – June 12, 2018*)

Environment & Public Services (Chair Byrnes)

- c) **Approve an Ordinance Amending Title 9 (Building Regulations), Chapter 12 (Miscellaneous Provisions), Section 2 (Limitations on Noise) of the Village Code of Hinsdale relative to the start time for work that is part of the Village's capital improvement program** (*First Reading – June 12, 2018*)
- d) **Award the 2018 50/50 Sidewalk Project to Strada Construction in the amount not to exceed \$79,481**

Zoning and Public Safety (Chair Stifflear)

- e) **Approve a Revised Reciprocal Reporting Agreement between the Village of Hinsdale and the Board of Education of Community Consolidated School District 181** (*First Reading – June 12, 2018*) (*Item taken separately*)
- f) **Approve an Ordinance Amending, Schedule VI; Special Turning Restrictions in Section 6-12-6 of the Village Code by adding Chicago Avenue and Oak Street, First Street and County Line Road, and Third Street and County Line Road** (*First Reading – June 12, 2018*)
- g) **Approve the purchase of two (2) new Lucas Automatic Cardiac Compression Devices (ACCDs) from Physico-Control located at 11811 Willows Road NE, Redmond, Washington, 98073 for an amount not to exceed \$24,888.06**

Trustee Byrnes **moved to approve the Consent Agenda, as amended.** Trustee Elder seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

Approve a Revised Reciprocal Reporting Agreement between the Village of Hinsdale and the Board of Education of Community Consolidated School District 181

Trustee Stifflear introduced the item which addresses information sharing between the Village and District 181. A new provision to the agreement is the indemnification for both parties. Trustees Posthuma and Ripani expressed concern with the indemnification provision and agreed to work with Village Counsel and Police Chief King to resolve their questions. Since the first reading, Village Counsel explained that the indemnification as written provides greater benefit to the Village.

Trustee Posthuma explained that the broader indemnity is better from the Village standpoint. He also feels that because this is for kindergarten through 8th Grade, the risk is low. Due to the risk factor, and the fact that D181 has already approved the agreement, he feels this Board should move forward. He asked that staff visit with the appropriate Chair when there are indemnity clauses in contracts to be proactive. It was suggested a list be developed that could trigger the appropriate questions for staff.

Trustee Elder moved to **Approve a Revised Reciprocal Reporting Agreement between the Village of Hinsdale and the Board of Education of Community Consolidated School District 181**. Trustee Byrnes seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

SECOND READINGS / NON-CONSENT AGENDA – ADOPTION

Administration & Community Affairs (Chair Hughes)

- a) **Approve an Annual Appropriations Ordinance for the Fiscal Year of May 1, 2018 to April 30, 2019** (*First Reading – June 12, 2018*)

President Cauley introduced the item which addresses the spending authority of the Village. The budget guides that spending, but this will correct imbalances due to differences in anticipated costs and timing issues. This item is essentially a housekeeping matter.

Trustee Elder moved to **Approve an Annual Appropriations Ordinance for the Fiscal Year of May 1, 2018 to April 30, 2019**. Trustee Ripani seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

- b) **Award Bid for Proposal for Bid #1645 for Peirce Park & Brook Park Court Improvements to Midwest Sport Surfaces in the amount not to exceed \$143,283.75** (*First Reading – June 12, 2018*)

President Cauley introduced the item noting that this is the item where the bid was previously rejected. This bid is within budget. Trustee Byrnes asked if this work will be impacted by any future tollway construction. Ms. Gargano said she will check into this with the tollway engineers. If they think there could be an issue, staff will bring that information to the Board.

Trustee Elder moved to **Award Bid for Proposal for Bid #1645 for Peirce Park & Brook Park Court Improvements to Midwest Sport Surfaces in the amount not to exceed \$143,283.75**. Trustee Ripani seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes
NAYS: None
ABSTAIN: None
ABSENT: Trustee Hughes

Motion carried.

Zoning & Public Safety (Chair Stifflear)

- c) **Approve a Memorandum of Understanding (MOU) with the Villages of Western Springs and Clarendon Hills for a Self-Contained Breathing Apparatus (SCBA) grant application #EMW-2017-FR-00208**

Trustee Stifflear introduced the item and explained that this item appears as a Second Reading/Non-Consent item due to the time sensitive nature of the matter. The Village has \$200,000 budgeted in the FY2019/2020 Capital Improvement Plan (CIP) for the replacement of 22 self-contained breathing apparatus units, however, there is an opportunity to receive a grant through the Department of Homeland Security's Assistance to Firefighters Grant program. If awarded, the Village would need to meet 10% of the cost of the equipment, or \$20,000, but the purchase would be accelerated from FY2019/20 to this fiscal year. If the grant is not secured, the expenditure will remain in the scheduled fiscal year.

In order to increase the likelihood of securing the grant, Hinsdale has teamed up with Western Springs and Clarendon Hills. Before the Board this evening is a Memorandum of Understanding (MOU) between the three Villages. Due to the substantial savings, all municipalities are motivated to follow the process judiciously.

Deputy Chief Tim McElroy reported that nothing has been heard to date, but he believes that is a good sign. He added that the fact we have a good working relationship with Western Springs and Clarendon Hills will work in our favor. Trustees agree there is no downside to moving forward with this MOU.

Trustee Elder moved to **Approve a Memorandum of Understanding (MOU) with the Villages of Western Springs and Clarendon Hills for a Self-Contained Breathing Apparatus (SCBA) grant application #EMW-2017-FR-00208**. Trustee Ripani seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes
NAYS: None
ABSTAIN: None
ABSENT: Trustee Hughes

Motion carried.

DISCUSSION ITEMS

- a) **Refuse contract update**

Administration Manager Emily Wagner reported the Village has begun to market the new garbage contract for residents. She illustrated the postcard that has been mailed to every resident that explains the options available with the new program. Residents can complete the card and return it to the Village, or fill it out on line. Additionally, two open houses are scheduled where residents can ask questions and see the size of the new toter.

b) Early start request for Hinsdale Middle School construction

President Cauley noted the construction has been starting at 7:00 a.m. without complaint. The Board has no objections to this request.

DEPARTMENT AND STAFF REPORTS

- a) Community Development
- b) Economic Development
- c) Engineering
- d) Fire
- e) Parks & Recreation
- f) Police
- g) Public Services

The report(s) listed above were provided to the Board. There were no additional questions regarding the content of the department and staff reports.

Village Manager Gargano thanked Director of Public Services George Peluso, Village Engineer Dan Deeter, Assistant Village Engineer Al Diaz, Deputy Chief Tom Lillie and Water Superintendent Mark Pelkowski for their efforts addressing resident concerns with respect to the massive street project. She thanked members of the community for their patience as the Village continues work on the road resurfacing. President Cauley added his appreciation as well, noting that staff does an enormous amount of work behind the scenes, things are going very well, and we owe them a debt of gratitude. Trustee Byrnes agreed the work is moving along quickly, and all are doing fine work. Mr. Peluso added his thanks to the Police Department, stating their help coordinating traffic patterns, etc. is invaluable.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No reports.

OTHER BUSINESS

None.

NEW BUSINESS

None.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

None.

ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn. Trustee Elder moved to **adjourn the specially scheduled meeting of the Hinsdale Village Board of Trustees of July 17, 2018**. Trustee Ripani seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

Meeting adjourned at 9:04 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk