

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HARWOOD HEIGHTS
HELD ON THURSDAY, NOVEMBER 13, 2008**

- A. CALL TO ORDER** at 7:30 pm by Mayor Margaret P. Fuller
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**

Mayor	Margaret P. Fuller
Clerk	
Deputy Clerk	Marcia Pollowy
Trustees	Mark Dobrzycki (Arrived 7:44pm) Michael Gadzinski Arlene Jezierny Demetrios Mougolias Therese Schuepfer Lester Szlendak
Attorney	Paul Stephanides

D. PUBLIC COMMENT - Upon recognition to speak by the village president or acting chairperson, the person shall rise and state his or her name and address. An individual may speak for himself or herself or as a representative of a community group. No person shall speak longer than three minutes unless specifically authorized to do so by a majority vote of the board of trustees. The three minute time limit will be measured by a person selected by the village board. Thirty (30) minutes of meeting time will be the maximum time allowed for public comment. This according to Village Code, Section 2.12.090, Section D.

Joan K. White, 7429 W. Winona: I do ask the board for additional time speaking tonight.

Motion by Trustee Gadzinski, seconded by Trustee Szlendak; all in favor.

Joan White: Today, I wish to join the Pioneer Press newspaper in paying special tribute to Dianne Larson, our former Village Clerk, for the many dedicated years of service she gave to our community. For two weeks the Pioneer Press carried beautiful articles and even a fine editorial in tribute to her. Long before Dianne was elected to the position of Village Clerk, she gave countless years of volunteer service, at no pay, to her village, while on the Youth Commission, also in organizing parades and anniversary celebration at Ridgemoor Country Club, and all this in addition to her work at Union Ridge School and Ridgewood High School and also in addition to her service to St. Rosalie's church where she was very active in altar work, fund-raising events and even as a choir member. She took all her commitments very seriously, and did her best in each area.

When she was elected Village Clerk the first time with Mayor Pabich, she tackled her new position with enthusiasm, smiles and sincere effort to do the right job. I recently heard that someone lightly described the duties of the Village Clerk as "keeper of the records, signing checks, attending village meetings and recording votes at these meetings." This is, indeed, a very brief summary of the overall duties of our Village Clerk. I think we all have an idea of the real extent of that job, the legal and statutory responsibilities of that position. We know this position requires training; the Clerk must handle official correspondence, sign certain official papers, and must be aware of deadlines for filing official documents. She must also sign, publish and post all legal notices where applicable, as required by law.

Dianne did all this, but to quote the Pioneer Press newspaper, "her years as Clerk were not easy ones." They also mention that "her Deputy Clerk's hours were chopped and that Dianne was subjected to unreasonable demands that she work on the days she had to undergo physically draining cancer treatments."

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Very fortunately for her, and for our village, after she was elected for the second time in April of 2005, she found Marcia Pollowy and appointed her as Deputy Clerk. Marcia not only assisted Dianne in doing office work, but she literally filled in and did all of Dianne's work during the final months when she was incapacitated because of her fight with cancer. When Marcia first stepped in as Deputy Clerk, her main thrust was to be present at board meetings, and then later listen to the tapes and write minutes. At that time the board's direction was for the minutes to be written verbatim, word for word, the same as a high-priced court reporter would do. Marcia, however, was not given proper transcription equipment to make it easier to do her job. She did not have separate controls to stop the tape and reverse it to re-listen to the speaker, and as a consequence, I guess she probably spent three, four or more hours doing the transcription of the minutes after every board meeting. Then, even after this time-consuming, painstaking task, she would come to a board meeting and have a trustee refuse to approve the minutes because it might be felt that a sentence was missing, or that a word had to be changed. This meant doing it all over again.

This is the reality in our village, and because of this, I would like to pay a second tribute tonight to our Deputy Clerk, Marcia Pollowy, who really has been doing an outstanding job as Deputy Clerk, with no additional pay for handling of all the Clerk's specific duties. We lost one fine lady, but I think we should be grateful and happy at our good fortune to have Marcia here with on-the-job experience she received working the last 3-1/2 years with Dianne Larson.

Rita Rogers, 7515 W. Winnemac: I have another water problem but this time it's because of my neighbors. They have a tendency to turn their spouts from their downspouts from the roof towards my property and they do this every year. This year I just got fed up with it and I turned their cement trough back the other way because it's no use for me to talk to them anymore. I also called the village twice because they have a pipe coming from the side of their house cruising down past my fence and out to the alley. That pipe is always creating puddles of water in the alley. I don't know where it's coming from, but I know they put it in right around the time they had the new air conditioning put in 5-years ago, but it's eroded the area so much out by the alley that my fence post has now gone over. The ground has come up and the post has gone over toward the alley and the alley is marbled and cracked now; but I've called the village and so far nothing has been done.

Mayor Fuller: I'm not aware of it, but Rita which side is it, is it east or west of you?

Rita Rogers: East.

Roy Schmidt, 4336 N. Rutherford: I would like to ask how much is the village paying to have 2 attorney's look at the same ordinance. At the last board meeting Mayor Fuller mentioned that she was looking into an ordinance regarding vacant properties. At the time no one else mentioned that they were looking into the issue. At the next meeting of the whole Trustee Schuepfer brings out an ordinance. I thought it may have been the same one the Mayor mentioned. But this is Harwood Heights and I should have known better because at the next meeting of the whole the Mayor pulls out an ordinance and the trustee pulls out an ordinance. I am not sure which one is on the agenda today but this leads me to ask. Who communicated to whom? In fact, at the first meeting, it seemed like the trustees themselves did not know Trustee Schuepfer was working on an ordinance including members of her own committee again. It seems like every trustee is off doing their own thing. Trustee Jeziorny is putting on the agenda ordinances that the committee did not know about. Trustee Schuepfer is working on ordinances her members did not know about. Why wasn't the Village Attorney asked about this ordinance? Could that have saved the village money? What is going on?

About a year ago the village asked the employees, including the Police Department to contribute a small percentage to their health benefits. I understand that the police have not been doing this since the union negotiations started, therefore, the village I assume is paying the total sum. When I was on the board, there were many discussions about getting the employees to contribute to the costs of their health plan. The board finally did approve that employees would contribute. But now while the non-police employees are paying their share, the police are not. Were the police officers asked to continue their contributions until a contract was signed? Will the police be required to pay retroactively what they owe or will the village end up eating the cost? What will we ask from an officer who has left the village to pay?

Now on the other hand, I would like to thank the office staff for keeping the website up to date in regards to committee meetings. Since the board has decided not to choose particular dates for the meetings ahead of time, I/we have to rely on the internet. I think the staff is doing a great job keeping us up to date.

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I would also like to thank Trustee Dobrzycki for being the one board member that seems to remain open, tries to continue working with the other board members even though he is left out of the loop. One of the reasons this board decided not to publish board discussion verbatim was because of the tone some of the discussions would take. I would suggest to the board that instead of not allowing residents to hear what is actually being said, maybe they should take the example of one of their own trustees. I would ask Trustee Dobrzycki to keep trying to make it work no matter how frustrating it gets and continue to be a trustee and not a politician. The title is "Trustee."

E. REPORTS OF MAYOR, TRUSTEES, CLERK AND ATTORNEY

Mayor's Report
Mayor Fuller

Good evening, November 15th has been designated as School Board Members Day in Illinois, therefore on behalf of the Village of Harwood Heights I would like to thank all the volunteer school board and library board members for their countless hours dedicated to making public education better. Union Ridge is a National School of Excellence and our new library is such an asset to the community that I hear from residents every day about how thankful they are to have it. Let's congratulate all the school board and library board members on their dedication and efforts in planning for the future. Ridgewood High School District 234 is joining other districts across the state to thank these community volunteers for their commitment and contributions to our public schools.

I invited the Eisenhower Library to tonight's meeting so they could accept the village's check in the amount of \$50,000 for a grant. It is my understanding that State Representative Michael McAuliffe contacted the Department of Commerce and Economic Development to try and get this construction grant for the Library. Unfortunately the grant could only be received by a municipality, therefore with the board's support we sponsored the grant, cleaned up some old paperwork, in order to get it and finally received the money. So if I could have the people responsible for the best library in Metropolitan Library System for all our residents - Director Ron Stock, the library board members; Gail Burkhart is in Turkey on vacation; Gary Ross, Vice President, is working. The trustees here tonight are:

President Mark Braun
Secretary Esther Rappaport
Treasurer Natalie Rothbart
Trustee Kay Kupczyk
Trustee Mary Sticha
and Representative McAuliffe come up for a photo, I'd like to present the \$50,000 check.

State Representative Michael McAuliffe: Acknowledged that after a number of attempts he was happy to be able to secure the \$50,000 grant for the Eisenhower Library and congratulated Library Director Ron Stock, all the Library Trustees and Mayor Fuller and the Board of Trustees for their commitment to the community.

Eisenhower Library Director Ron Stock: Thanked Representative Michael McAuliffe for his efforts to obtain the \$50,000 grant for the library and also Mayor Margaret Fuller and the Village of Harwood Heights for sponsoring the grant for the library.

I don't usually comment on the deaths of residents because I don't want to omit remembering someone, because the loss of any resident is a tragedy. All residents are important and losing anyone is very hard and this year we have lost many long time residents. But I do want to comment on the passing of Clerk Dianne Larson. There were many wonderful comments about Dianne, she was a great lady, a caring person and well liked by all. But what many of you don't know about Dianne is that she understood the need for redevelopment, she was a progressive thinker and knew that we needed to make changes before change happened in our town without our input. She was always out and about and saw what other towns were doing. When the board took action against a developer and we were not going to get our Starbucks, she and I just shook our heads. We had talked and envisioned how nice it would be to go through the drive thru on the way to the village office and not have to get out of the car and get our latte or mocha-chino. We lost our Clerk and a wonderful person and we lost someone who cared and understood about the progress we need to make in the village. She cared about all of us and our future. And that is what I will remember most about Dianne Larson.

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I attended Union Ridge Schools 1st Veteran Day presentation on November 3rd and it was a very well planned and presented program. The students said something about what Veterans Day means to them and they also presented the bill of rights saying how proud they were to be an American. Each veteran had a student escort and received pins in commemoration of their service. It was the schools first veterans program and from what I understand they will begin an annual program. My father came from Italy as a teenager, became a US Citizen and served our country in the US Army in World War II, so it was a very emotional event for me also. All the honored veterans were extremely grateful to be remembered. On behalf of the Village of Harwood Heights I want to thank all the veterans for their unselfish service to our country.

Motion I 28, if the board approves the motion for the execution of the grant agreement, the village will be in line to receive \$320,000 to be used for GIS mapping, land use planning, and evaluation of sound proofing ordinances for the needs for our community. As one of the communities affected by the extension of the runway by 3000 ft. Harwood Heights has an opportunity to plan for the future. Mount Prospect recently applied for \$312,000 and Wood Dale and Park Ridge are interested in applying. The grant was appropriated for in the last two Harwood Heights appropriations and I have been giving updates on the grant at board meetings. I want to thank the Des Plaines Economic Development Director Mr. Mike Conlon for attending our Committee of the Whole meeting and discussing their FAA grant with the entire board and answering any questions. Please note that Section 4 of the Resolution authorizes the Village to revise the scope of work described in the application if the revisions are within the spirit and intent of the project and if the revisions will better accomplish the goals of the project. I think that is what the board was looking for.

On the agenda tonight is my first and second recommendations to fill the vacancy for the office of Village Clerk. This is an elected position and the Mayor makes the recommendation and any qualified voter can be appointed. I received overwhelming interest to fill this position. There are so many people who would like to get involved and serve their community. Both my recommendations qualify and are great candidates. My first recommendation is Cecylia Marszalik. Cecylia is a long time resident, a home owner and of course qualified to fill this position, she is serious about working hard in a professional manner. I ask the board to concur with my recommendation to fill this position so the Clerk and I can work together for the community and keep the integrity of the office of Village Clerk.

Regarding Motion I 3, why did Trustee Mougolias put a motion to pay Law Enforcement Accreditation Consultants, CALEA, \$7,250 which is more than they originally asked for to settle the contract? I gave the board the invoice and letter for the settlement of the contract in the amount of \$5,000 at the 9/11/08 board meeting which they did not pay. At the 9/11/08 board meeting I read a portion of the letter that I received from the Michael Somberg, the Vice President of Law Enforcement Accreditation Consultants and I quote again: "Since the decision to drop out of the CALEA Recognition process is not based on any nonperformance issues on our part and we are owed the balance of the contract, we are willing to settle this matter with the village for \$5,000 which will compensate us for the work completed to date. Lastly, we have enjoyed working with the Village and we would be remiss if we did not relay to you that you have one of the most professional Police Chiefs we have ever worked with. Chief Podosek is an exceptional leader and someone who is an asset to our profession. Thank you very much for the opportunity to be of service and it would be our honor to work with Chief Podosek and the Village again." This was reported at the 9/11/08 board meeting and is in the minutes. Then I gave the trustees a memo on 9/29/08 advising them to contact CALEA direct and advising them again that "The delay was due to the Village and not the consultants." In my report of the Mayor for October 9, 2008, I reported that the CALEA consultant is still waiting for a phone call from the trustees or payment of his bill. No one had contacted them. Now it looks like Trustee Mougolias is asking the board to pay them \$7,250 instead of \$5,000, is this because the trustees waited until CALEA hired an attorney, even after I advised the trustees, so apparently the consultants took the \$5,000 settlement off the table. And, Trustee Mougolias is trying to spend Police Federal Drug Seizure funds which may not be in their authority to spend. Furthermore there is only \$858.10 in the Police Federal Seizure fund. As a taxpayer, I wish the trustees would listen to my reports, read the memos, and contact the necessary agencies before the board meetings and stop wasting our tax dollars. My last question is, since you now are going to pay the entire bill, does this mean we can complete the CALEA accreditation process that you terminated in the appropriation?

Motion I 30, on the agenda was tabled by the board previously, but the board needs to vote either way on this. This is because at the September 11, 2008 board meeting the board authorized for the village to advertise for the Public Works laborer position. We paid for an ad, over \$800, we went through the resumes and we interviewed many candidates. The board wasted our tax dollars, and both my time and the Superintendent of Public Work's time. Now they are trying to claim that the Superintendent said he doesn't need anyone. That's not true, the department is short staffed, and he asked for the hiring. At the September 11, 2008 board meeting Trustee Jezierny said in her report and I quote: "There is a motion on tonight's agenda, I 10, for a full time person in Public Works. Hopefully this will assist Public Works staff so that they

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can speed up installation of the water meters and assist in numerous duties that the Public Works still has before them.” So 2 months ago the board said ok. Now the board needs to vote on this motion so the candidate who is waiting to hear about the job that he was offered pending board approval can be officially informed one way or the other.

Motion I 27. To Adopt Ordinance 08-25, An Ordinance Amending Title 15 of the Village Code to Establish Vacant Building and Registry Regulations. At the October 23, 2008 board meeting I reported that the village is taking a proactive approach to stay on top of all possible vacant homes and possible foreclosures. I reported that I put together a team of staff, which includes the Police Department, Public Works, the Water Department, and the Building Department to report possible vacant houses so we can follow up for payment of water bills etc. There are fee based web sites out there to track vacant homes. Municipalities across the country are adopting ordinances that require vacant properties, the majority of which are foreclosed properties, to be registered with municipalities for a fee so that the municipalities can keep track of the properties. I informed the board that I would bring a sample ordinance to the next committee of the whole meeting – unfortunately the trustees decided to duplicate legal fees and when I arrived at the regular Committee of the Whole meeting and distributed the ordinance, I was informed they had one from their attorney. I’m glad to see the ordinance on the agenda, but unfortunately there was no Ordinance Committee meeting and therefore by village law, there must be a motion to waive the review by the Ordinance Committee approved by the board prior to adopting this ordinance.

Since the last update on the Lawrence Avenue Streetscape, nearly all work has been completed. ComEd made their last connection at ITW today and plan to complete the removal of remaining overhead lines and poles by the end of the week. The other utility companies are also working toward final completion and in fact do not have any work left that is in direct conflict with Lawrence Ave.

The other remaining work to be done is the electrical connections for the traffic signal controller and the Parkway Bank sign located on the south side of Lawrence. This work will be completed by Meade Electric. Meade intends to begin work this Friday and should be completed by the end of next week. Once the remaining poles are removed and the electric service connections have been made, Martam will pour all remaining gaps and complete any punch list items.

FEMA advised me that we now have 30 property owners who filed for disaster assistance due to the flooding of 9/13. Next week, the week of November 17th is Winter Weather Preparedness Week in Illinois and Indiana. Helpful information will be on the radio on a variety of subjects and we will have info on our web site. The village’s community room will again be open for shelter in case of any winter power outages. The village has once again compiled a list of who can be contracted personally for snow removal service; the list is in the lobby and on the village website. And Public Works has the very expensive salt on the trucks ready to go, they checked all the plows and hooked them up and did the winter maintenance on all the Police, Public Works and office buildings among their other daily duties.

Today I attended the annual thanksgiving luncheon at Maple Park Academy along with Corporal Nardulli and Lt. Biagi. Recently Corporal Nardulli conducted a presentation at Maple Park Academy regarding underage drinking for the students.

I will need to amend motion I 37, to read “Transfer from Parkway General Savings Account in the estimated amount of \$251,545.52 for the November payrolls to Parkway Bank Payroll Account.” Since there is only one meeting in November, we need to include both payrolls.

There were 4 property transfers so far this month, 2 condos and 2 homes, and it looks like the former Mateo’s restaurant will be changing hands soon with a new Mexican Restaurant coming to Harwood Heights.

The Village’s equity to assets percentage is 60% plus which is satisfactory. As of 9/30/08 all cash accounts total \$5,358,558.88 which puts the Village in a good position to deal with current economic conditions.

Information/Technology
Trustee Dobrzycki

Report of the Information/Technology Committee; because of a very busy day I apologize for arriving late for the board meeting, my report will be short. I just wanted to remind residents that the Cook County Board of Review for those who can reconsider your tax, property tax bill, will be accepting appeals until Friday, December 5th. That is the last day that you can file an appeal to the Board of Review. I urge everyone to do that. If anyone should have any questions or is looking for a form to file with the Board of Review, please feel free to contact me.

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Mayor Fuller: I want to add here, I've been trying to setup a Tax Appeal Seminar at the Village Hall Community Center because we've had them before and I might be able to get one for the last Monday in November; so I will get some information out as soon as I get that confirmed; but I know we've had quite a few calls from residents about their taxes and their tax bills. So we're trying to get a seminar when the Cook County Board of Review comes in and they help you actually fill out the application for an appeal.

Forestry/Recreation
Trustee Gadzinski

On behalf of the Youth Commission, I would like to update everyone that all programs are currently in full swing, but will be coming to an end before the New Year. There will be a trophy ceremony for each of the fall sports programs; the first one being tonight at the Union Ridge elementary school. Therefore various motions on tonight's agenda have been appropriated for various purchases and expenditures as needed to be made in order to have these ceremonies take place. Although some of the expenditures are for the hiring of coaches or to pay existing coaches for services rendered in order to continue the smooth operations of the current programs and end the season successfully. Also, I was not present at the last Committee of the Whole meeting last week because the Youth Commission had called me up and they were down a few hands and they needed some help and I always told them that they can count on me; so in the future you can count on me for help.

This last Tuesday I attended the WSSRA monthly meeting; the main goal of this meeting was to take a vote on the new WSSRA proposed budget and share payment contribution. I voted yes to agree with the proposed budget and share payment contributions as presented by the rest of the board of directors of the WSSRA, pending the directors presence at our next Committee of the Whole meeting to answer any questions, comments or concerns of the Board of Trustees.

I did request that the village be put on an alternate share payment plan due to a difference in our fiscal year and appropriated funds. The WSSRA starts their fiscal year in January, the Village starts in May. The share payment details are simply for us to continue to pay our share payment contribution as we have in the past, and to pay the increased difference as soon as we appropriate more funds for the new fiscal year and approve the budget. I also officially request that the WSSRA and director Sandy Gbur be placed on the agenda for Committee of the Whole meeting on December 3, 2008.

Public Works
Trustee Jezierny

Since the Mayor already gave a report on Public Works, I will save the duplication but instead I feel it's very important to address a very important issue.

As a member of the Finance Committee, we met earlier this evening to discuss the 2008 Tax Levy. Last year, in 2007, the Trustees voted NOT to increase your taxes. But, after residents examined their tax bills this September, they found a tax increase for Harwood Heights. Residents also came to Board Meetings. So I began to investigate.

When I examined my tax bill and those of other residents, it was clear to me that something was very wrong. I raised the issue to our Finance Chairman, Lester Szlendak and also called Bill Vasilopoulos at the County Clerk's office. As a result of our research, we learned that a series of administrative mistakes by the Mayor, the Village Attorney and Village Accountant which had raised your taxes for 2007.

The \$300,000 SSA tax that should have only been paid by property owners along Lawrence Avenue was also paid by "ALL" Harwood Heights taxpayers for the Streetscape project.

This is unacceptable and I call immediately for the Mayor, the Village Attorney, the Village Accountant to correct this matter immediately and return those tax dollars to our taxpayers! The Tax Levy for 2007 approved by the Trustees did NOT, and I repeat, did NOT authorize an additional \$300,000 to be collected from taxpayers!

In addition, taxpayers, all taxpayers of Harwood Heights need to be informed of this error. And all correspondence should be coordinated with the entire Board. I know Trustee Szlendak at this time, as Chairman of the Finance, will also give you a full finding of his research.

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Mayor Fuller: First of all, if there was a mistake in the billing of the SSA taxes that would be Cook County's fault because they informed us that they were not going to collect that tax. We filed it with them, I mean we didn't file it with them, we tried to get them when we were doing the Bond Issue and they said they do not collect Special Service areas that we would have to collect it ourselves and the board approved another company to do the billing for that. So we're using a different company to bill for the SSA taxes. So I'm not sure where the problem is, but if there's an error with the billing it would have to be Cook County's fault. But there are some other issues that could be affecting the tax bills, like the fact that, you know Trustee Schuepfer and Trustee Jezierny campaigned to leave factories vacant and now that factories are vacant they are filing for reduced taxes. When they file for reduced taxes, our levy remained the same but that money has to come from somewhere, so it's spread out over all the taxpayers. When they're paying less, we're paying more. So that could be part of the problem, but we'll definitely get to the bottom of it.

Public Health & Safety
Trustee Mougolias

First of all, on the agenda tonight is item I 3, I'd like to amend that motion to read "to authorize an expenditure to Law Enforcement Accreditation Consultants, Inc., not to exceed \$7,250.00 to be paid from Police Department State Seizure Account. I actually wrote Federal because the original motion that the Mayor put on the agenda was to be paid out of the Federal Account. So I'm sorry Mayor if I followed your lead and I made a mistake again. The original motion that we approved two years ago said that it should be paid out of the Federal Seizure Account, so I figured that's where it should have been paid out of; but now this motion reads not to exceed \$7,250.00. Mayor, I know they have offered us a settlement and if you can get them to agree to that settlement, I believe, attorney I'd like to ask you, the Mayor can write, since we have authorized not to exceed \$7,250.00, she can write the check for \$5,000.00. Is that correct? **Attorney Paul Stephanides:** Sure. **Trustee Mougolias:** If they agree to the \$5,000.00. **Attorney Paul Stephanides:** They would have to agree to it, yes. **Trustee Mougolias:** So right now from speaking to the Vice President of Law Enforcement Accreditation Consultants, they are not in agreement with the \$5,000.00. But they said that they had sent a letter which the Mayor read a small piece out of, it was actually a three page letter, blaming the Chief of Police for the delay. The Chief of Police actually indicated to them that he doesn't have time for them right now and he would like them to slow down and hold off a little bit. So, due to the fact that the board did not find that out until about two weeks ago when I was forwarded that letter by the Vice President of the accreditation company, of the consulting company. Now I would agree and I am telling the Mayor I am asking the board to vote to agree to pay them even if it means to pay them the \$7,250.00, because we're going to be foregoing a lawsuit. This company is looking to take the village to court to get their \$7,250.00 that they're owed. So, if the Mayor can negotiate the \$5,000.00 again, if she'll believe they'll take the \$5,000.00, she can write them the \$5,000.00; but if not, I would recommend that we pay the whole \$7,250.00 and stay out of court because our court costs will probably be more than the \$2,250.00.

Second, on item I 4, I had recommended to the board at the last Committee of the Whole meeting to forgo hiring a CSO and add a new officer; our CSO has resigned, he has gone to another job. And I said since an officer takes a lot longer to hire, why don't we hire another officer; the board appropriated for one already and we're in the process of hiring one. When the CSO left I recommended to the board to hire an additional one, so that would have been two this year; with the money from the CSO line item. The Mayor now is asking to hire two additional officers; the one that the board agreed to and that I recommended. The other one that I recommended and we were all in agreement to at the last Committee of the Whole meeting and now the Mayor wants one more. I recommend that we wait until June for the third officer; in June Captain Ricchio will be coming off the books, his salary is more than enough to cover two officers, two new patrolman. So, I would say since the village is in such bad financial shape and we do not have the money to hire a third officer right now. Hire the two; change this motion to add one new officer; hire only the two right now, and wait until June when we can afford two new officers, so we would have a total of four new officers instead of three. The first one has been approved already, we already approved the one, it's in the appropriation; the second one will be paid for with the funds from the CSO, so the village would not have to be over budget or over our line item.

Now, as to Mr. Schmidt's comments on the Police Department and the medical benefits; Mr. Schmidt knows when he was a trustee I was one of the main people pushing for the employees to pay some of their health benefits. And, the contract that the office employees have is actually a copy of the contract that myself, Trustee Schuepfer and Trustee Gadzinski negotiated with the Police Department before they decided to go union; the contract that they're in right now where they are paying towards their benefits. We were speaking with the police to negotiate for them; so we took that contract and we moved it over to the employees, since due to circumstances beyond our control the police decided to go to a union. Now, as of the police paying, they haven't paid, but they haven't received a raise either. So they've been one year without paying toward their health insurance, but they've been one year without a raise. So to answer your question on retro, that

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all has to do with negotiations; we don't have to agree to have them pay retro, but we don't have to agree to give them a raise retroactive to one-year. So, that is all pending on how the negotiations go. But they are not getting any special treatment because all the other employees when they signed that contract they received a raise but now, the Police Department has not and it's going on almost a year; so, I hope that answers your question.

Mayor Fuller: I have to address a couple of things right here. The original motion that was put on the agenda a couple of years ago for the CALEA was put on by the Chief of Police and not me; so if it said Federal Seizure Fund then, it was because the Chief put it on that way, not me.

Also, at the September 11th board meeting that I talked about in my report, the trustees all got a copy of the letter and the fees for settlement of contract, \$5,000.00, to pay the consultants for the Law Enforcement Accreditation. They had a chance to settle the contract September 11th; they didn't. I spoke to the consultant just yesterday; he said it's off the table. It's off the table because the trustees refused to pay the bill. They don't even want to come back here and work with us, quite frankly they're never worked with a village that has operated in this manner. All the minutes show the information that I said earlier in my report. I gave them a memo saying that it was our responsibility that it was our fault that they didn't continue and they could have settled it for \$5,000.00 and now the company wants more money because the trustees did not pay the bill and they had to go ahead and consult an attorney.

As far as the police officer, I gave the trustees a memo; that is their prerogative if they only want to hire one additional. They already approved one officer, I asked for two more officers because Steve Kalk is retiring December 31st; right now we are down 7 officers with disabilities and things, one's a maternity and things like that, so, they approved one officer, they agreed to approve one more. I was asking them to approve two more because the Police Commission is in the process of hiring and interviewing and it just makes more sense to do it all at once; but that's totally the board's prerogative if they want, we'll pull that motion and they can amend that later and I told them that was their decision.

Ordinance/License
Trustee Schuepfer

I would like to respond to the Mayor's remarks with regard to the letter and the correspondence that we received from the CALEA consultants, while the Mayor is absolutely accurate that she did give us an invoice and a one page letter, what she did keep from the trustees was a full accounting of our relationship, the village relationship with these consultants. We ask if once again, if the Mayor cares to go back to those minutes, we had asked for a chronology of the relationship and a progress report not only from the consultants but also from CALEA as well. Basically we were not given any information until we learned about this three page letter that these consultants assumed that we had in our possession. It was only after Trustee Mougolias contacted the Vice President of this consulting agency did we learn the full extent of what had happened in the last 8-months. So, there's always a little bit more to each of our stories and I really don't want my fellow trustee, he's giving you an accurate report as is the Mayor but with some omission of information.

Let me now move onto my report from the Ordinance & License Committee; I have two items that I would like to address. One is an action the board, shall we say a review that's upcoming, and that is at the last Committee Meeting of the Whole we had two residents from the east side come forward complaining about the congested parking in their area. One of the contributing factors to the congestion in their area was the fact that Sayre Avenue, the 4700 block, is designated as "No Parking" and a quick review by all the trustees and the Mayor who were present at that time, no one could identify the exact date when the village had in fact identified this as a "No Parking" zone. So the Mayor suggested and certainly I concurred because that's my task, that the Ordinance & License Committee work with the Deputy Clerk to dive through the records because I don't think anybody had an idea if it had been 10-years, 20-years, that this area of Sayre had in fact been a "No Parking" area. So that's one of things that is upcoming in the near future.

My second item has to do with I 27; and both the Mayor and former Trustee Schmidt have chosen to comment on the fact that they feel that the Mayor was in fact one upped and that the trustees brought forward an ordinance, First of all, when this issue was first brought up it occurred during an executive session at which former Trustee Schmidt was not there and our Mayor chose not to attend that meeting. At the time we were discussing with our attorney, Mr. Stephanides, a situation that involved a vacant building. It was during that meeting that Trustee Szlendak brought up the issue of a registry for vacant or abandoned properties; at that time we agreed to look at it in ordinance. It is true I did not have an Ordinance Committee meeting, instead contacted the legislative attorney and said that this was one of the things that we were interested in pursuing and when I was going to bring it to the first Committee Meeting of the Whole, that meeting was cancelled by the Mayor. The next meeting was our last Committee Meeting of the Whole and I brought that forward. I will

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not refute that the Mayor in fact announced at the last board of trustees meeting that she intended to bring forward or had been working on an ordinance to the same. The ordinance for the proposed agenda item, I 27, is a vacant building and registry regulation ordinance. What it does, it helps the village identify, register and regulate vacant properties. It identifies the responsibilities that owners have, should they have vacant and/or abandoned properties. It allows the village to administer and force, abate and also levy a penalty on vacant properties that move toward becoming a public nuisance. So, we have the same intent, while the Mayor feels that it was a poor use of tax dollars, might I also suggest that it has become a continuing pattern that the Mayor introduces ordinance that we have had no opportunity to see them until they appear either on the agenda for the board of trustee meeting or appear at the Committee Meeting of the Whole. Likewise, the Mayor and I have an ongoing dispute about whether or not a waive is required; the Mayor's contention is even if you achieve consensus at Committee Meeting of the Whole that she still wants the waive. We, however, believe that a deliberation by the Committee Meeting of the Whole since it does in fact include all of the Ordinance Committee members has fulfilled that part of the ordinance.

Let me bring up a third concern and that is with Trustee Jezierny's identification of the additional \$300,000.00 that residents paid. Now, I find it quite interesting that the Mayor was unaware of this but I certainly hope since both, I learned this evening that both Trustee Jezierny and Trustee Szlendak contacted the County Clerk. They did go through, they did do their research, the village was notified by the County Clerk that there was going to be an amendment to the tax levy that we passed in 2007. There is not one amongst us that I know that was advised that our tax levy was increased \$300,000.00. It is not, I don't know how many times we're going to have to beat up with the empty factory referendum, but this was an action that had to be approved of by someone in the administrative structure of this village. It was not a slip and slide and find out how we can distribute this money; this money was \$300,000.00 attributable to the SSA Bond. And even more so, let me tell you why I'm a little angry; I pay into the SSA. What this means is my family and I not only paid our SSA share, but we now paid again; twice, because of this mistake. So I don't know who approved it, but according to the Clerk, someone approved it in this village. Now, even more so, I have asked repeatedly about the SSA Funds. We began the members of the SSA, began paying our share and will pay our share for the next 20-years this spring; I will be taxed again at the end of November. The Mayor has now decided and I'm really glad, we're going to have an SSA Advisory Committee meeting on Tuesday. I do hope that the Mayor gets to the bottom of this mistake by Tuesday so that all Advisory Committee members can know; did we pay twice, are we paying thrice or is it more than that.

Mayor Fuller: I have some comments here; first of all, there is a waiver of review required by the Village Code. When the Ordinance Committee is not going to review an ordinance they have to actually waive the review by a vote of the board. Trustee Schuepfer does not believe that she needs to follow Village Code; so that makes me a little uncomfortable when elected officials don't believe they need to follow the Village Code.

Secondly, if they were aware of some problem with the taxes why didn't they come to the village with this? But of course they want to make it a political issue. I am not aware of any additional taxing and if something came to the Village Clerk, then it's the Village Clerk's office that didn't give it to the correct person; so I'm not sure what that is but we'll certainly look into it.

Trustee Schuepfer: Mayor, it's the County Clerk that sent it to the village.

Mayor Fuller: Well you said they sent it to the Village Clerk.

Trustee Schuepfer: No I didn't. It is the County Clerk that forwards I believe it's called, because I just learned about this, this evening.

Mayor Fuller: This is not a debate right now.

Trustee Schuepfer: Well then don't misquote me.

Mayor Fuller: You have plenty of time to talk later in the meeting, you have more comment time than I do, so you can save all your comments for later. So we'll definitely get to the bottom of this, I don't understand it at all because when we had meetings and we hired a Bond Attorney to do this bond issue for the SSA and they told us that Cook County would not collect the taxes and the board had to approve it and we had to hire another company to bill those taxes, so obviously there's some big problem somewhere but I can tell you we'll get to the bottom of it.

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**Finance
Sewer & Water
Trustee Szlendak**

I don't know where to start. First of all, the Mayor mentioned that we are in good economic position. She gave us the total dollar amount that this village has. Unfortunately, the total dollar amount is the SSA money, this is the Water Fund etcetera; those are restricted funds. At the last board meeting the Mayor mentioned that we have in our General Fund accounts \$568,724.49; our monthly payroll is \$135,000. I respectfully disagree with the Mayor; we are not in good financial position. Yes, we have very expensive salt on the trucks. As a result of our financial position I'm sorry we have to say no to hiring another person for Public Works; we just have no money. We are not in good financial position.

Next topic, our Tax Levy; an hour ago we had our Tax Levy meeting for year 2008. Most of it was left as it is; the changes are on the Bond and Interest General Obligation that amount went from \$105,890 to \$360,890 because we have to start paying the principle on that bond. Garbage and Police Protection stayed the same. Police Pension Fund, we were lucky, the board gave us a number of \$430,000 versus \$470,000, so we're saving approximately \$40,000. Bottom line is that our Tax Levy for the year 2008 is \$1,592,369. What I would like to do is pass this draft ordinance to our Village Attorney to make sure that everything is proper and legal. I would like to get it back from him so we can post it in our next publication and have a public hearing and move forward with it.

Okay, now let's take a look at the \$300,000 elephant in the room; what the Mayor said is wrong. As I was preparing the 2008 Levy, what I've done is I went to the website, started searching and I came across an agency tax rating report and in it, it showed that for the Bond & Interest there was a charge of \$405,890, it was \$300,000 more than what we appropriated and filed with David Orr in the tax extension division. I called Kevin Hurley at the tax extension division and discovered that they billed all of the residents for the SSA Bond. My question to him was "how can you do this without our approval?" He said, "Well we don't do anything without the approval." In July of this year they sent to our village a levy edit report with \$405,890 for the Bond Interest. Bottom line, all of our residents were charged this, this money has to be returned to them; it does not belong to our village. They did not charge anything to our residents without the approval of the administration of this village. We have a slight problem now, as the Mayor pointed out we have \$568,000 in our General Fund, now we have to give back \$300,000. I debate whether or not we are in good economic condition.

Clerk's Report

No Report

Attorney's Report

No Report

F. TRUSTEE COMMENTS

Trustee Schuepfer: Yes Mayor, I would like to make a motion to change the order of the agenda? The motion is such that I would like item "H – Appointments" to follow the Consent Agenda.

Mayor Fuller: I'm going to take a minute to talk to the attorney because the Village Code sets the order of the agenda.

Motion by Trustee Schuepfer, seconded by Trustee Szlendak

Trustee Dobrzycki: Is it, I know that previously we had great debates about the order of the agenda, is this permissible according to Village Code, Village Ordinance?

Attorney Paul Stephanides: The Village Code does set the order of the agenda but it would be subject to a motion to take it out of order, so, it can be subject to a motion.

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A YES: Dobrzycki, Gadzinski, Jezierny, Mougolias, Schuepfer, Szlendak

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Trustee Dobrzycki: I just wanted to bring to light, having moved into the village on July 1, 1976 and Trustee Schuepfer's comments about parking on the 4700 block of North Sayre; I just wanted to make a comment on that as a personal witness experience. Since the day I moved into Harwood Heights there has been "No Parking" on the 4700 block of North Sayre and in a committee meeting I had mentioned that fact and also the residents who were there, I believe one of the residents who has lived there longer than I have mentioned that fact as well, that there has been "No Parking" on the 4700 block since that time; so at least 32-years, if not, and for sure longer.

Trustee Szlendak: What I would like to do is say a couple of words about Dianne Larson. When I was elected, I was not elected from the same party as she was; from day one she was a true friend, she was always supportive, she was very generous with her advice and she has done wonderful, wonderful work and I'm going to miss her tremendously.

G. SPECIAL COMMITTEE REPORTS

I. CONSENT AGENDA

Trustee Mougolias pulled item I 4 for a separate vote.

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda items I 1-3 as amended & I 5-38 as amended:

Trustee Schuepfer pulled items I 28 & I 30 for a separate vote.

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda items I 1-3, 5-27, I 29 & I 31-38 as amended:

1. To approve the regular minutes of the Board of Trustees meeting held October 23, 2008.
2. To approve expenditure, not to exceed \$2,518.00, payable to Irving Park Hand Car Wash for squad car washes from January 2008 thru June 2008, expensed to FY 08/09 line item 11-05-00-7052 – Police.
3. To authorize an expenditure to Law Enforcement Accreditation Consultants, Inc., not to exceed \$7,250.00 to be paid from Police Department State Seizure Account.
5. To approve expenditure, not to exceed \$1,194.00, payable to SEPS, Inc for the yearly inspection of the battery backup at the water tower, expensed to line item 22-00-00-7042 – Public Works.
6. To approve expenditure, not to exceed \$1,287.30, payable to SPD Incorporated for a new submersible transducer located in the reservoir expensed to FY 08/09 line item 22-00-00-9007 – Pump Room Equipment Purchase – Public Works.
7. To approve expenditure, not to exceed \$20,535.09, payable to North American Salt Company for the second load of salt, \$8,294.11 expensed to line item 11-06-00-6006 and \$12,240.98 expensed to line item 11-06-00-7037 – Public Works.
8. To approve the replacement of the east and west bound stop signs at the intersection of Montrose and Newcastle Avenue with fold down stop signs accompanied with portable barricades with flashing lights and to direct Public Works to paint crosswalk stripes at this intersection.
9. Motion for the board to authorize expenditure not to exceed \$250.00 payable to Vince's Italian Restaurant for pizza. FY 08/09 expensed to line item 11-08-00-7033 – Recreation.

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10. Motion for the board to authorize expenditure not to exceed \$100.00 for refreshments, dessert and supplies needed for awards party to be held @ Union Ridge Elementary on November 13, 2008. FY 08/09 expensed to line item 11-08-00-7033 – Recreation.
11. Motion for the board to authorize expenditure not to exceed \$500.00 payable to “World’s Oldest Sports” for tee-shirts. FY 08/09 expensed to line item 11-08-00-7033 – Recreation.
12. Motion for the board to authorize expenditure in the amount of \$880.00 to pay gymnastics coach, Carol McNamara for second half of program. (*\$40.00 per student X 44 students.*) FY 08/09 expensed to line item 11-08-00-7033 – Recreation.
13. Motion for the board to authorize expenditure not to exceed \$300.00 for pizza and refreshments for volleyball awards party to be held on November 18, 2008. FY 08/09 expensed to line item 11-08-00-7034 – Recreation.
14. Motion for the board to authorize expenditure not to exceed \$400.00 for the purchase of trophies as volleyball awards for November 18, 2008. FY 08/09 expensed to line item 11-08-00-7034 – Recreation.
15. Motion for board to authorize expenditure to pay Cori Hilton in the amount of \$525.00 for coaching volleyball from September 16, 2008 through November 18, 2008 @ rate of \$25.00 per hour session, total of 25 hours. FY 08/09 expensed to line item 11-08-00-7034 – Recreation.
16. Motion for board to authorize expenditure to pay Cassie Baker in the amount of \$280.00 for coaching soccer from September 9, 2008 through November 8, 2008 @ the rate of \$20.00 per hour session, total of 14 hours. FY 08/09 expensed to line item 11-08-00-7036 – Recreation.
17. Motion for the board to authorize expenditure not to exceed \$400.00 for the purchase of trophies as soccer awards to be presented on November 15, 2008. FY 08/09 expensed to line item 11-08-00-7036 – Recreation.
18. Motion for the board to authorize expenditure to pay Megan Ozog in the amount of \$200.00 for coaching soccer from September 20, 2008 through November 8, 2008 @ the rate of \$20.00 per hour session, total of 10 hours. FY 08/09 expensed to line item 11-08-00-7036 – Recreation.
19. Motion for the board to authorize expenditure not to exceed \$200.00 for pizza for soccer awards party to be held on November 15, 2008 FY 08/09 expensed to line item 11-08-00-7036 – Recreation.
20. Motion for the board to authorize expenditure not to exceed \$100.00 for refreshments, dessert and supplies needed for soccer awards party to be held on November 15, 2008. FY 08/09 expensed to line item 11-08-00-7036 – Recreation.
21. Motion for the board to authorize expenditure not to exceed \$250.00 for pizza for basketball awards party to be held on December 8, 2008. FY 08/09 expensed to line item 11-08-00-7031 – Recreation.
22. Motion for the board to authorize expenditure not to exceed \$100.00 for refreshments, dessert and supplies needed for basketball awards party to be held on December 8, 2008. FY 08/09 expensed to line item 11-08-00 7031 – Recreation.
23. Motion for the board to authorize expenditure not to exceed \$350.00 for the purchase of trophies for intermediate basketball as awards for basketball program to be presented @ awards party on December 8, 2008. FY 08/09 expensed to line item 11-08-00-7031 – Recreation.
24. Motion for the board to authorize expenditure not to exceed \$200.00 for the purchase of trophies for beginning basketball as awards for basketball program to be presented @ awards party on December 8, 2008. FY 08/09 expensed to line item 11-08-00-7031 – Recreation.

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25. Motion for the board to authorize expenditure not to exceed \$125.00 for the purchase of trophies for advanced basketball program to be presented @ awards party on December 8, 2008. FY 08/09 expensed to line item 11-08-00-7031 – Recreation.
26. Motion to approve the hiring of Kevin Hilton as coach for the basketball program at the rate of \$15.00 per hour session pending background check.
27. To Adopt **Ordinance 08-25**, An Ordinance Amending Title 15 of the Village Code to Establish Vacant Building and Registry Regulations.
29. To authorize an expenditure not to exceed \$5,000 payable to lowest responsible quote for 2009 village calendars to be expensed to line item 11-01-00-7022 printing.
31. To approve expenditure, not to exceed \$4,828.45, payable to Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd., for invoice 220109 for 8-31-08, \$1,000.00 expensed to line item 11-02-00-7050 retainer, \$3,336.70 expensed to line item 11-02-00-7051 Legal, \$288.75 expensed to line item 11-05-00-7031 Police Legal, \$41.25 expensed to line item 11-07-00-7036 Bldg. Legal, \$161.75 expensed to line item 22-00-00-7022 Water Legal – FY 08/09.
32. To approve expenditure, not to exceed \$8,672.50, payable to Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd., for invoice 220562 for 9-30-08, \$1,000.00 expensed to line item 11-02-00-7050 retainer, \$4,455.00 expensed to line item 11-02-00-7051 Legal, \$495.00 expensed to line item 11-05-00-7031 Police Legal, \$2,310.00 expensed to line item 11-07-00-7036 Bldg. Legal, \$412.50 expensed to line item 22-00-00-7022 Water Legal – FY 08/09
33. To approve a Single Family Flood Relief Grant for FY 08/09 for 4439 N. Newland in the amount of \$1,500.00, pending all licenses, inspections, and approval from the Plumbing Inspector to be expensed to line item 22-00-00-7075- FY 08/09 – Water and Sewer.
34. To approve the removal of Handicap Parking sign # 03-69 at the address commonly known as 6805 W. Montrose Ave and to direct Public Works to remove the sign in a timely manner.
35. To approve expenditure not to exceed \$173,011.16 (payment with 2% discount) for regular annual contribution payable to IMLRMA (Illinois Municipal League Risk Management Association) for 12-31-08 to 12-31-09.
36. Transfer from Parkway General Savings Account in the amount of \$974,477.02 as they appear on check register #45458 thru #45558. (\$413,137.14 transferred from savings to checking & \$561,339.88 transferred from SSA Bond Proceeds to Checking.)
37. Transfer from Parkway General Savings Account in the estimated amount of \$251,545.52 for the November payrolls to Parkway Bank Payroll Account.
38. Electronic Transfer from Parkway General Savings Account in the amount of \$10,178.53 for October IMRF Pension Fund.

A roll call vote on Consent Agenda items I 1-3, I 5-27, I 29 & I 31-38 as amended resulted as follows:

A YES: Dobrzycki, Gadzinski, Jeziorny, Mougolias, Schuepfer, Szlendak

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

ITEMS PULLED FROM THE CONSENT AGENDA

Motion by Trustee Szlendak, seconded by Trustee Mougolias on Consent Agenda item I 4:

Trustee Mougolias: I would like to ask if you would amend the motion to one additional officer.

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Motion by Trustee Szlendak, seconded by Trustee Mougolias on Consent Agenda item I 4 as amended:

Trustee Dobrzycki: I just wanted to find out the current list for eligible candidates, approximately the number of people who are on that list and also the time that it takes to go through the hiring process, interviews and so forth, checking of the information and background. Would it be appropriate at this time to proceed giving approval to start hiring more than one police candidate because of what would be involved in trying to get the information and background?

Trustee Mougolias: The list is about, I believe, I don't remember exactly, but it's about 170 people. The time is lengthy we may not even hire the two by the time June comes around when I'm proposing we can look into hiring two more. We have tried to hire two candidates already and it hasn't worked out, so now we're going to be going to our third and this is for the first officer that we approved two months ago, a month and a half ago. So it is time consuming but we always have a list, the list will still be good, they go for two years. So, when this list expires we're obligated by state statute to have a new list, so we will always have a list of available officers. As I said before, right now the village in my opinion cannot afford to hire an extra one. We are pushing for two, if we can wait a little bit longer as I said when Capt. Ricchio has retired, when he's off the books his salary will more than cover two new patrolmen. So if we can wait until June when he's off the books we will have extra money in the line for two more patrolmen and we'll be a little bit more fiscally responsible.

4. To authorize the Fire & Police Commission to proceed with hiring one additional police officer from the final police officer eligibility list pursuant to all laws and regulations.

A roll call vote on Consent Agenda item I 4 as amended resulted as follows:

A YES: Trustee Dobrzycki, Gadzinski, Jezierny, Mougolias, Schuepfer, Szlendak

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Motion by Trustee Dobrzycki, seconded by Trustee Schuepfer on Consent Agenda items I 28:

Trustee Schuepfer: I just want to talk a little bit about why I had it pulled. We did have a very productive discussion about the potential of receiving this grant and one of the things the Mayor indicated was that she had changed the resolution to include a modification of scope if it fell with under the guidelines this particular granting agency. What I did want to make clear was that the Mayor also invited the trustees to participate in determining the scope and that it was really to be a project between the trustees, the Mayor and any other staff that would be involved in designating the scope of this project and I just wanted to make sure that understanding still existed.

Mayor Fuller: Definitely, the board will be choosing the consultant they want to work with, they be interviewing them and definitely have total input on that.

28. To Adopt Resolution 08-15, A Resolution Authorizing and Ratifying Application for Federal Assistance, Agreement of Limited Agency and Plan.

A roll call vote on Consent Agenda item I 28 resulted as follows:

A YES: Trustee Dobrzycki, Gadzinski, Jezierny, Mougolias, Schuepfer, Szlendak

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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Motion by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda items I 30:

Trustee Szlendak: Mayor, when we started the process when we wanted to hire this individual the financial condition of our village was substantially better then it is right now. We have additional cost overruns on the streetscape, the salt was more expensive, now we have a bombshell that we have to return \$300,000 to our residents; we're not in a position to hire another individual for Public Works in this fiscal year. I recommend very strongly that we vote "no" and revisit this at the next fiscal budget.

30. To hire James Lechowicz for the position of Public Works laborer pursuant to the recommendation of the Superintendent of Public Works at a salary of \$31,279 per year.

A roll call vote on Consent Agenda item I 30 resulted as follows:

A YES:

NAYS: Trustee Gadzinski, Jeziorny, Mougolias, Schuepfer, Szlendak

ABSTAIN: Trustee Dobrzycki

ABSENT:

Motion Carried

H. APPOINTMENTS/REAPPOINTMENTS

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak

Trustee Schuepfer: Before we vote on this motion we need to have some clarification as far as the Municipal Code is concerned and I think it's highly irregular to have two individuals placed on the agenda and I would like Mr. Stephanides to explain what's going on here and what part of the Municipal Code permits this particular action. So, I don't want to play games, I want to know what's happening.

Attorney Paul Stephanides: It's the Mayor's appointment. There's nothing that prohibits it, there's nothing in the Municipal Code that addresses your question, so it's whatever is put on your agenda, your agenda is open for items to be placed on it pursuant to the Village Code.

Trustee Schuepfer: Could you tell me what happens if both of these are denied?

Attorney Paul Stephanides: Then the Mayor would have to make another appointment for your advice and consent pursuant to the code.

Trustee Schuepfer: What part of the Municipal Code does this fall under?

Attorney Paul Stephanides: The Municipal Code has a section in it; I can't give you the exact section...

Trustee Schuepfer: Well, I have copies, so I really would like this.

Attorney Paul Stephanides: But to answer your question the Illinois Municipal Code says that it's the Mayor's appointment subject to the advice and consent of the Village Board.

Trustee Schuepfer: (Handed out a copy of the Municipal Codes) Mr. Stephanides would you tell me what part of the code.

Attorney Paul Stephanides: Under the code it talks about the appointment?

Trustee Schuepfer: Yes.

Attorney Paul Stephanides: Well, you have this section here; actually the section that you highlighted is the wrong one, its other elective office.

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Trustee Schuepfer: Okay.

Attorney Paul Stephanides: There's also another section the code talks about the appointment to fill a vacancy in the Village Clerk's office as well; there's another section separate and apart from this.

Trustee Schuepfer: Could you read me that citation please? I'm really uncomfortable voting on anything that is unclear to me what the code actually says.

Attorney Paul Stephanides: It's totally up to you, you have two motions; you can pass either one or not adopt either one. It's your advice and consent.

Trustee Schuepfer: Would it then be appropriate until we get the appropriate reference. Why should we take action? In a village that has a history, why would we take action when it's unclear what part of the Municipal Code is going to be used for this appointment.

Attorney Paul Stephanides: Well, I'll read to you what it says in this portion of the Municipal Code that you handed out, which is also applicable. 65ILCS 5/3.1-10-50 on the last page under other elected office, section 3, that I just spoke of, "If the vacancy is in any elective municipal office other than the mayor or president or acting alderman or trustee, the mayor or president or acting mayor or acting president, as the case may be, must appoint a qualified person to hold the office until the office is filled by election, subject to the advice and consent of the board of trustees." So, you have an appointment and if you do not give your advice and consent to the first motion, you then have the second motion, if you don't give advice and consent to that, it will be back before you in another meeting.

Trustee Schuepfer: Then is it my understanding that the Mayor could continue to submit a potential candidates and that this would continue or could continue all the way up to the election.

Attorney Paul Stephanides: That's true, you could, yes.

Trustee Schuepfer: Is the Mayor in agreement with your interpretation?

Mayor Fuller: Yes.

Trustee Schuepfer: My only concern is that we don't have any information on any of your candidates, so, I'm going to assume that you either interviewed or collected resumes and would that not be appropriate for us to approve an appointment, to have that information.

Mayor Fuller: If you're asking me, I don't think so because this is an elected office and as long as the person is a qualified voter of the village they are eligible for that office. And, I'd like to remind you that we have three trustees on this board right now that do not have a biography on the website, there's nothing about them on the website and they are my elected officials and they're paid by the taxpayers. And, I'd like to know where Trustee Gadzinski works and I'd like to know where Trustee Jezierny works and that information isn't even on our website for the taxpayers. So, I think that filling a vacancy in office for 4 or 5 months that's an elected position, the only qualification is that the person is a registered voter in the Village of Harwood Heights and they are qualified for that office.

Trustee Gadzinski: To my understanding where a person works is not a biography.

Trustee Szlendak: Mayor, you are asking us to approve people for an extremely demanding position of the Village Clerk. I mean, if you're asking me for my vote I feel I have the right to find out who I am approving, what are those individuals, what their credentials are, etcetera. I mean, you know just like the voters, when I'm out there knocking door-to-door they have the absolute right to find out all the details and do an interview with me; by the same token, I have to go and meet with the newspaper. That's what I did; I met with the newspaper and I gave them my biography and all of the information so people know who they're voting for. Right now, I truly don't know all of the credentials of the people that we're voting on.

Mayor Fuller: The Clerk doesn't vote and doesn't make important decisions for the village like voting on something where the trustees do. And we have trustees that don't have their biographies on the website.

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Trustee Gadzinski: That doesn't pertain to anything Mayor.

Mayor Fuller: So I think that is a very comparable thing. When you have a Clerk that is filling an administrative position and I wouldn't appoint someone that wasn't qualified.

Trustee Gadzinski: Why do we have a Deputy Clerk? What's the position of Deputy Clerk, if may I ask?

Mayor Fuller: The Deputy Clerk is appointed by the Clerk.

Trustee Gadzinski: And what's her service to the village? Why is she appointed Deputy Clerk, Mayor? Why does the Clerk appoint a Deputy Clerk? For what reason? Why does a President appoint a Vice President?

Mayor Fuller: There's a motion and a second to appoint Cecylia Marszalik to fill the vacancy for the office of Village Clerk for the term ending 4/30/09.

Trustee Jezierny: I'd like to make a motion to table.

Motion to Table by Trustee Jezierny, seconded by Trustee Szlendak

Trustee Dobrzycki: I just wanted to ask the members of the board as when in the past when I've asked for more information and I've asked the item to be tabled, no one has even second my motion; now, you bring forth a motion to table this item to get more information. What makes you anymore different than I when I ask for more information and that you ask now this to be tabled? What is the difference?

Trustee Mougolias: Trustee Dobrzycki, I have seconded your motion many times and I have voted "yes" for you to table many times. But, when the Mayor is asking us to give our consent for someone who keeps the records of this village and someone who is responsible for all the legal filings of this village, without knowing anything about these people, I don't see how anyone can make a responsible decision without knowing anything.

Trustee Dobrzycki: Trustee Mougolias, yes you have seconded at least one motion that I remember to table and maybe two; but I have asked many motions to be tabled when I had no information provided by the rest of the board to make an informed decision. Now once again, the Attorney, the Mayor, have pointed out the points as to why she would like to make this motion, make this appointment. I believe Trustee Szlendak mentioned the fact that he had to meet with the newspaper; I remember being requested to meet with the newspaper. I was never make to or forced to meet with the newspaper and any of the information that was provided during an election, none of it that I could remember, was forced or necessitated or mandated to be provided. So, whether that information is provided to the person who makes that appointment and the person who has to work with that individual, I think that is probably the most important issue at this point.

Trustee Gadzinski: I just want to say, out of the respect for Dianne Larson's family and friends and also a respect for our Deputy Clerk and for the gracious services that Dianne has performed for the village over the years, I don't think this is the right decision to make at this time.

Trustee Szlendak: A couple of things and a reply to Mark Dobrzycki; we do not have a blanket just because one trustee wants to table a motion does not mean that everybody has to vote "yes." If there's a reason to table a motion, I vote "yes." If I feel that I have adequate information, I vote "no." In this case, the appointees are asking for my vote of approval; just like the voters. If I'm asking the voters to give me the vote, they have the right to ask every single question about me and we have the right to do the same thing.

Trustee Dobrzycki: In keeping with the courtesies of this institution, I will refer to Trustee Szlendak as Trustee "Leszek" Lester Szlendak and I have no problem with voting. The question here and the concern that I have is when I would like to have more information and ask and make a motion to table, no one even seconds the table except for Trustee Mougolias who as I said I remember making at least one, if not two, motions to table and then we have the possibility to vote.

Trustee Gadzinski: Let's get on track here, please.

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Trustee Dobrzycki: Excuse me, did I interrupt you?

Trustee Gadzinski: No, but we're off track.

Trustee Dobrzycki: How so?

Mayor Fuller: You're out of order; Trustee Dobrzycki has the floor.

Trustee Dobrzycki: Thank you, returning to my comment, when someone makes a second to a motion, we do have the possibility to vote "yes" or "no." If there is no second to the motion, I don't even have the ability to vote.

Trustee Mougolias: I would like to comment though on, we are considering two people here tonight, but no one brought up the fact that for the past few months the Deputy Clerk has been doing the job of the Village Clerk and has the experience and the ability to take care of this job. Is there any reason why the Deputy Clerk wouldn't be considered for your appointment? Because, to my understanding she's been doing a fine job, I don't know if there's any other issues; but everybody keeps talking about we haven't interviewed the new people, we have interviewed someone. Marcia Pollowy has been Deputy Clerk and has been doing the work wonderfully in my opinion; I don't understand why she wouldn't be considered.

Mayor Fuller: If you're asking me, the appointment is by the Mayor. Only the Mayor can make the recommendation, the board does not make the recommendation to fill a vacancy in office. And, I have nothing against Deputy Clerk Pollowy personally, but there are some things that I would like to see done in the office of the Clerk and I would like to work with somebody very closely and I've had an outpour of interest from the community and I think it's time to give another person in the community an opportunity to serve the village.

1. To concur with the Mayors appointment of Cecylia Marszalik to fill the vacancy for the office of Village Clerk for the term ending 4/30/09.

A roll call vote to Table Appointment/Reappointment resulted as follows:

A YES: Trustee Gadzinski, Jezierny, Mougolias, Schuepfer, Szlendak

NAYS: Trustee Dobrzycki

ABSTAIN:

ABSENT:

Motion Carried

Motion by Trustee Dobrzycki, seconded by Trustee Schuepfer

Trustee Schuepfer: I make a motion to table this.

Motion to Table by Trustee Schuepfer, seconded by Trustee Szlendak

2. To concur with the Mayors appointment of Debbie Iaffaldano to fill the vacancy for the office of Village Clerk for the term ending 4/30/09.

A roll call vote to Table Appointment/Reappointment resulted as follows:

A YES: Trustee Gadzinski, Jezierny, Mougolias, Schuepfer, Szlendak

NAYS: Trustee Dobrzycki

ABSTAIN:

ABSENT:

Motion Carried

J. NEW BUSINESS

None

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K. OLD BUSINESS

None

L. CORRESPONDENCE

None

M. OTHER NEW BUSINESS

None

N. TRUSTEE COMMENTS

None

O. EXECUTIVE SESSION

P. ADJOURNMENT

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak to adjourn. On a voice vote, all being in favor, the motion carried and the Regular Meeting of the Board of Trustees of the Village of Harwood Heights was adjourned by Mayor Margaret P. Fuller on Thursday, November 13, 2008 at 9:07pm.

Respectfully submitted,


Marcia L. Pollowy, Village Deputy Clerk