

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HARWOOD HEIGHTS
HELD ON THURSDAY, FEBRUARY 28, 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	Dianne H. Larson
Deputy Clerk	Marcia Pollowy
Trustees	Mark Dobrzycki 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 White, 7429 W. Winona: May I ask the board for a few minutes extra again tonight.

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

Trustee Mougolias: I'd just like to say, maybe Joan you can, because every meeting you ask for extra time, maybe you could try and condense a little bit. I just don't want to be unfair to somebody else if someone comes in; we're setting a precedent that at every meeting we're giving you extra time; if anybody asks for it, we would have to give them extra time. It would be unfair to anybody to say no to give them extra time.

Joan White: I appreciate your comment, if I can only say that I don't think that I've ever gone beyond about six minutes or as I know other people have spoken quite lengthy times. Thank you for the time.

I attended both the Finance Committee meeting and the Committee of the Whole meeting held last night. I saw evidence of great effort on part of all the trustees to work out a solution to what now appears to be a horrible problem for this village. They all expressed desire to make progress, improve the village image, attract new developers and support the commitment made by the board with the development of its first SSA project.

However, last month, reality set in when bids came in for a cost close to \$2 million higher than the original estimate developed by Scott Harrington of Vanderwalle & Associates. The Finance Committee gave a great study and determined that the village did not have enough reserve money to proceed with this plan as originally presented. The Mayor said that she knew when the plan was first presented that it was not a \$3.5 million dollar project and that it would take money from the general fund, in addition to whatever grants might be obtained. Some trustees stated that they understood the cost would be completely covered by the SSA Bond issue, along with all grants received. I also was given this impression when initial public hearings were held. Now, my personal observation seems to be that the original estimate might have been too low.

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As it stands, if the trustees agree to proceed with this project today, I feel they should reveal to the residents exactly what price they will have to pay. Mr. Szlendak, Finance Chairman, warned that if the project moves ahead now, next year's appropriation will suffer greatly. Our revenue will be at least \$250,000 less because of the Value City closing and he even suggested that all the trustees attend the budget planning meetings to say which items they are willing to cut from their various departments. At this Committee of the Whole meeting some trustees said, "No new squads" and "No new Public Works trucks" or "No new bus."

The Mayor proposed that the board uses all reserve funds, \$645,000 from the Water Department, now that a reserve has been built up by the collection of the sewer taxes; as well as all the money from the MFT Fund, which will mean no sidewalk programs or street resurfacing under their current program of doing two or three streets every year. And the balance needed would have to come out of the General Fund, reducing funds available for additional policemen or any other additional staff that certain officials have been asking for; all this to face, if the board goes ahead with the streetscape program at this time. And the board is expected to make this decision tonight, by voting on the utility projects which will earmark the beginning of the entire process. And the board is expected to make these decisions without ever having correct reports regarding the financial standing of the SSA account, and without having received a cash in bank statement for the last six months.

If the Mayor knew that this would never be a \$3.5 million dollar project as we all were first led to believe, perhaps it would have been helpful if she had first reached out to prepare the board for this decision making; by first, making sure each trustee got proper monthly financial reports from our computer program, not makeshift summaries which were easily challenged, and further, by calling Committee of the Whole meetings for discussion of every detail of this project so they might have a chance to figure out proper strategies to face these issues. But, instead of giving such preparation, only days ago, the Mayor handed out her SSA summary projections, and all her figures showing where funds might be taken for the project, with no reports of cash in bank, no copies of the audit from last April, 2007, and no reports of how much has been spent to date for all this current year's appropriation expenditures.

Really, the trustees do not know where they stand financially, and because of the apparent political pressures, it appears that in voting tonight they will be "damned if they do", and "damned if they don't." It is too bad the ordinary citizen couldn't give his vote.

Roy Schmidt, 4336 N. Rutherford: One quick statement before I get to my letter; I was also at the Board meeting, Committee of the Whole and at the time the Mayor had given us a black and white copy of a proposal for the Lawrence Avenue Streetscape which said \$4.1 million. Again, I would ask people to read and look at things before hearing just rumors.

As I was driving home after the Meeting of the Whole last night, it occurred to me that some trustees may not have a dream for the future of Harwood Heights. Some trustees have commented that they like it the way it used to be. I would ask them to look around. Nothing is the way it used to be. I have to ask the board, how we can ask home builders or businesses to invest in Harwood Heights, if the village itself doesn't? There are many items on the agenda tonight that give us a future. I hope they vote in favor of them. The village needs a future; it already has a past.

I'd also like to comment, I read an article in the neighborhood newspaper today and I would love to have cash to pay for my house. I would love to have cash to pay for my car. I would love to have cash to go on vacation. The fact is; I don't. I get a bill after my vacation, how much it costs. I do these things with the hopes and the dreams that I will be able to pay off this house and nothing happens to me. The hopes and dreams I'll be able to pay off my car and nothing happens to me and leaves it for my wife. The hope and dream that I'll pay off this vacation, but remember the vacation with my family at the time that it's best to do it. The village has to look at what the time is, when it's best to do it.

Mayor Fuller: Before I start my report, I do want to make some comments on the first resident's comments because there were quite a few errors in those comments and I'm not going to go through them all. But, I never said I was going to use all the reserve funds from the water fund and things like that and the actual spreadsheet where the old estimate that they're saying was \$3.5 was actually \$4.1 million, even back then. And also, I brought in over \$924,000 in grants for this project.

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E. REPORTS OF MAYOR, TRUSTEES, CLERK AND ATTORNEY

Mayor's Report
Mayor Fuller

Good evening, First thing tonight I am pleased to announce that there will be a presentation from the ad hoc Sister City committee regarding a Sister City twinning relationships. I am very bad at languages so bear with me. The towns we are sharing with are the towns of Rocchetta, Italy and Dzierzorniow, Poland. I was first contacted by Mr. Ross Pontarelli last summer, regarding Mayor Antonio Izzi of Rocchetta, Italys interest in becoming our sister city and Mr. Zdislaw Habera contacted Trustee Dobrzycki on behalf of Dzierzorniow, Poland and we thank them both for this great honor to be a sister city. I can tell this is going to be a long and wonderful relationship!

I want to thank our as hoc committee chairman Tony Lostumbo, members Peter Magnelli, Frank Rose, Chris Dobrzycki, Trustee Mark Dobrzycki and Gail Burkhart for their efforts in putting together the presentation and setting the ground work for this cultural exchange. By adopting the Resolutions tonight we are telling these cities that we welcome the sharing of cultures and ideas. Once resolutions are signed by the sister cities, we will have a formal celebration of the Sister City relationships. We are also now an official member of the Sister Cities International organization. Dzierzorniow, Poland has other international sister cities, and we will here more about that a little bit later.

To start I'd like to read the letter that Mayor Izzi of Rocchetta sent me to start the whole process, although I am of Italian decent I had to have Tony Lostumbo translate it into English for me.

Mrs. Margaret Fuller
Mayor of Harwood Heights

It has been the dream of the residents of Rocchetta to establish a relationship with a city in the USA where there is a presence of a good number of our fellow citizens particularly in or around the city of Chicago.

By means of our friend and fellow citizen of Rocchetta Ross Pontarelli, I have learned of the willingness that your community would go along with our dream. And for that I thank-you.

Mr. Pontarelli will bring to your attention all the information and news relative to my community. My town is a small and charming community of 1200 residents open to tourism as you hopefully will be able to see in the near future. In the district area we have a preschool, elementary, and junior high with 30% of young students university bound. We have moderate commercial activities, mostly craftsmanship, farm and dairy products. The major cities close to us are Rome and Naples which are about one hour drive. Some of the archeological discoveries of major importance are the remains of the "Neanderthal Man" and the St. Vincent archeological excavation from the year 800 AD. We are situated within the National Park of Abruzzo.

I hope that our wish will come true and it is our commitment to celebrate the twinning among our communities in the summer of 2008 with an event that will take place here in Rocchetta and where you and your delegation will be welcome. While waiting for your favorable response, I send you our sincere greetings, and please extend my feelings to everyone in your town.

Dr. Antonio Izzi, Mayor (show photo of Mayor Izzi)

And now I turn over the presentation to Chairman Tony Lostumbo: Mr. Lostumbo gave a historical report on the City of Rocchetta a Voltorno in Italy and Mr. Ross Pontarelli gave a slide presentation on some of the major attributes of the city.

Trustee Dobrzycki gave a historical presentation and a slide presentation on the City of Dzierzorniow, Poland.

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Mayor Fuller: The Police Department participated in a Community Pride Event Tuesday night at the new library; Community Pride contacted the Chief a few weeks ago and they wanted us to speak on underage drinking and some of the proactive things the village has done to prevent this problem; such as Roadside Safety Checkpoints, the village's B.A.S.S.E.T. program; we also developed a PowerPoint presentation that was given by the School Resource Officer's at Ridgewood High School and Maple Park Academy dealing with underage drinking and the affects. Lieutenant Maraviglia spoke at the presentation, there was a full house. He answered all questions by the parents. They were happy that are department uses the State charges and are strict in our enforcement efforts of underage drinking. Lt. Maraviglia also gave them a good web site that answers numerous questions on teenage parties and drinking.

Chief Podosek received a letter advising that we received the NEMRT host site award for sharing our facility for police training.

Public Works has been very busy keeping up with all the snow and ice. The Superintendent has kept on top of the salt issue, and I also received contacts for the purchase of salt from the North West Municipal Conference in case we run into any emergencies. As you know, there's been a shortage of salt throughout the state. We are still having some problems with the ticketing during snow removal and the residents, the fact that the residents need to understand the parking ban stays in effect until 4 p.m. because Public Works needs the time to go back over streets with the plows. Public Works makes those determinations for ticketing. We had a joint meeting with Public Works and the Police Department and are working on better communication and other recommendations. We had only one water break (Gunnison) in the past few weeks, and Public Works has also been busy with patching pot holes, and other general maintenance duties.

At the last board meeting a gentleman, who had made a very generous contribution to the Village for sidewalk repairs informed me that his check hadn't been cashed. The Accounting Department did find the cancelled check so it did clear. I just want to thank Mr. Mondschein again, who does not even live in Harwood Heights, for his generosity and his efforts to keep us informed of conditions in and surrounding our community.

I am amending motion I 5 to read "to approve a variance request to replace an existing non conforming sign with an LED sign for the property located at 6765 W. Forest Preserve Drive, aka Skores Bar and Grill and to direct the Village Attorney to prepare the ordinance pursuant to the recommendation of the Zoning Board of Appeals."

I also need to amend motion I 11, it should read "To end the Health Reimbursement Arrangement adopted by Resolution 07-07 effective April 30, 2008 for those legally eligible employees: until reevaluated for continuation into the next fiscal year."

And the last amendment I have is I would like to amend the minutes to include the comments made by the Village Attorney at the last board meeting that was requested by Trustee Dobrzycki.

On the agenda tonight are items I 6 through I 10 for the underground utilities for the Lawrence Avenue Streetscape. This is the final action needed by the board to proceed with the start of the project, IDOT and the contractors are ready to start. Will the village need to help out a little more than expected to make the project work, yes? But the village officials take the finances of the village very seriously. The decision to proceed with this project is not personal, it is strictly a business decision in the best interest of the village. I know everyone, especially the businesses on Lawrence Avenue are eager for the project to help their business and bring in new customers. And we are creating jobs! I attended the grand opening of Raffaele's restaurant on Lawrence Avenue and it was sad to look out their front window to a vacant property generating no new sales tax right where the old Village Hall once was. Once again I ask the board to look at increasing revenue for the Village, you read about the state, county and other agencies looking for ways to create more revenue. For example I received a notice for a county meeting looking to increase the wheel tax for trucks to more than double the current fees. I ask the board to review our fees, and look at other means to increase revenue for the village. I can tell you first hand that there are still developers interested in Lawrence and Harlem Avenue's in Harwood Heights, I meet with them on a regular basis, but they want a commitment from the village. Let's consider this Lawrence Avenue Streetscape a joint effort between the Village, the residents, and the business community for a bright future for Harwood Heights.

At this time I will distribute and read my veto messages:

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February 28th, 2008

Mayor's Veto Message

To the Honorable Members of the Harwood Heights Board of Trustees:

By the authority vested in me as the Mayor of Harwood Heights, I herewith return, without my approval, Ordinance No. 08-01, entitled, "An Ordinance Concerning Supervision of Village Departments." I veto and withhold my approval from this Ordinance for the reasons set forth herein, the Board does not have authority to adopt Ordinance No. 08-01.

Ordinance No. 08-01 provides in part that a refusal of a Village employee to respond fully and accurately to certain trustee inquiries may subject the employee to discipline, up to and including termination, and that "no employee shall be disciplined or otherwise punished in any way for providing truthful information to any trustee." Article VII, Section 6(f) of the Constitution of the State of Illinois and the case law interpreting Section 6(f) prohibit the actions attempted by these Ordinances.

Article VII, Section 6(f) of the Constitution of the State of Illinois provides as follows:

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

Pursuant to Section 3.1-30-5 of the Illinois Municipal Code, 65 ILCS 5/3.1-30-5 (2008), only the mayor of a village may appoint and discharge certain officers and employees. 65 ILCS 5/3.1-30-5. By setting forth the powers of appointment of a mayor, the Illinois Municipal Code has established the relative powers of the executive and legislative branches of municipalities concerning personnel appointments. A change in those relative powers is a change in the form of government that may take place only pursuant to referendum. Dunne v. County of Cook, 164 Ill. App. 3d 929, 115 Ill.Dec. 855, 518 N.E.2d 380, 385 (1st Dist. 1987).

In Pechous, city aldermen attempted to transfer to themselves the power to appoint the superintendent of streets, the commissioner of public works and the city collector. Pechous v. Slawko, 64 Ill. 2d 576, 2 Ill.Dec. 701, 357 N.E.2d 1144, 1147 (1976). In Pechous, the Court also found that an ordinance enacted by board of trustees of the Village of Oak Lawn eliminating the officer of the village attorney from the list of officers to be appointed by the village manager and providing that the village attorney was to be appointed by the board of trustees was also an illegal change in the form of government. The Illinois Supreme Court determined that the powers of appointment that were sought to be transferred from the manager to the aldermen amounted to a shift in power from the executive to the legislative branch that could only be affected by referendum. Id., 357 N.E.2d at 1148.

The Dunne court followed the Illinois Supreme Court's Pechous decision. In Dunne, county commissioners by ordinance attempted to delegate to themselves the power to hire and fire their own personal staffs, which was in derogation to the authority of the county board president. Dunne v. County of Cook, 518 N.E.2d at 382.

The court in Dunne determined that these ordinances were an attempt to change the form of government and alter the relationship between the county board president and the county board of commissioners without a referendum as required by Section 6(f) of the Constitution. Id. at 383. The Court specifically found in Dunne, followed the Supreme Court's holding in the Pechous case that the required referendum approval was a limit on home rule authority.

The Illinois Attorney General also weighed in on the matter in an opinion finding that ordinances which attempted to transfer to the city council the mayoral authority to make appointments to various boards and commissions constituted an impermissible change in the form of government contrary to Section 6(f), absent a referendum. 1997 Ill. Atty. Gen. Op. 028.

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In all of these situations, it is the proposed change in power of the executive and legislative bodies that is significant. In Dunne, the fact that the county commissioners attempted to appropriate to themselves the right to appoint only a small number of employees was irrelevant in the court's determination that such an appropriation would still work a change in the form of government, because it resulted in relatively more power for the county commissioners and relatively less power for the county board chairman. Dunne, 518 N.E.2d at 384.

Like the ordinances at issue in Dunne and Pechous, Ordinance No. 08-01 is designed to alter the relative powers of the legislative and executive bodies of the Village, because they usurp the authority of the Village President to appoint employees, to supervise employees and discipline and/or terminate employees. This type of erosion of the executive power by the legislative branch of a municipality was precisely the type of actions that the courts held that the state statute specifically forbade and deemed unconstitutional. The rulings of Pechous and Dunne were clear - if the balance of power is sought to be changed, it must be accomplished through referendum. Ordinance No. 08-01 is an attempt to evade this requirement.

Ordinance No. 08-01 was not properly adopted by the Board. Section 2.12.220 of the Village Code requires the Ordinance and Legislation Committee to review all municipal ordinances prior to passage unless such review is waived by a vote of the Board. Harwood Heights Village Code at Section 2.12.220.

Finally, Ordinance 08-01 was drafted by "alleged" legislative counsel that was illegally hired pursuant to Ordinance 07-25, and it is an ordinance that was not reviewed by the Ordinance Committee, and therefore is not valid because it is in violation of the Harwood Heights Village Code Section 2.12.220, which provides as follows: "With the exception of the ordinance and legislation committee, all standing committees of the board will advise the full board regarding the operations of the particular department or function of government to which they are assigned. The ordinance and legislation committee shall review all municipal ordinances prior to passage (unless such review shall be waived by a vote of the board), and shall report on state and federal legislation of interest to the village." Section 2.20.040 of the Village Code also provides as follows, "It shall be the duty of the village attorney, when requested, to draft or supervise the phraseology of contract, leases or other documents or instruments, to which the village may be a party; and when requested, to draft or review ordinances and resolutions covering any subjects within the powers of the municipality."

Pursuant to these Village Code provisions, Ordinance 08-01 should have been drafted or reviewed by the village attorney, and it was not, as the Village Attorney stated at the last regular board meeting when he was asked to comment on the ordinance by a trustee.

In conclusion, Ordinance No. 08-01 is unconstitutional as it seeks to alter the Village's form of government without referendum approval. It also was not adopted pursuant to the specific requirement of the Village Code. Thus, it is an illegal ordinance of the Village and thereby, a nullity.

Sincerely,

Margaret P. Fuller
Village President

2nd veto message

February 28th, 2008

Mayor's Veto Message

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To the Honorable Members of the Harwood Heights Board of Trustees:

By the authority vested in me as the Mayor of Harwood Heights, I herewith return, without my approval, Ordinance No. 08-02, entitled, "An Ordinance Amending Title II – Chapter 2.04 of the Code of Ordinances of the Village of Harwood Heights to Incorporate a "Whistleblower" Protection Ordinance." I veto and withhold my approval from this Ordinance for the reasons set forth herein, the Board does not have authority to adopt Ordinance No. 08-02.

Ordinance No. 08-02 amends the Village Code to provide protection for Village "whistleblowers" by prohibiting the termination or discipline of Village employees because of an employee's disclosure of an activity, policy or practice the employee reasonably believes is unlawful conduct or a violation of any law, rule or regulation.

The Whistleblower Act, 740 ILCS 174/1 et seq. (2008) ("the Whistleblower Act"), provides that its provisions specifically preempt the authority of a municipality, including a home rule municipality, from adopting any provisions that are inconsistent with the Act. Section 40 of the Whistleblower Act provides:

It is the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution that the provisions of this Act are the **exclusive exercise** by the State of powers and functions which might otherwise be exercised by other home rule units. Such powers and functions may not be exercised concurrently, either directly or indirectly by any unit of local government, including any home rule unit except as otherwise authorized by this Act.

This preemption would include the provisions of the Whistleblower Reward and Protection Act, 740 ILCS 175/1 et seq. ("Reward and Protection Act"), as both acts pertain to the same topic – protections for employees for disclosing information.

Ordinance No. 08-02 differs from the Whistleblower Act and the Reward and Protection Act in several significant ways. Ordinance No. 08-02 contains definitions of a "public body," "retaliatory action" and "village contractor" and "employee," which are not found in both Acts or are defined differently in both Acts. Ordinance No. 08-02 provides that an employee is entitled to "two times the amount of back pay" as a remedy, whereas the Whistleblower Act provides that an employee is entitled to "back pay, with interest." 740 ILCS 174/30(2). The Whistleblower Act also provides for damages, which include "litigation costs, expert witness fees, and reasonable attorney's fees," and Ordinance No. 08-02 contains no such provision, nor does Ordinance No. 08-02 incorporate the provisions of either Act.

The home rule limitation set forth in the Whistleblower Act means that a home rule municipality cannot adopt any ordinances, resolutions or other official acts that vary in any regard from the provisions of the Whistleblower Act or the Reward and Protection Act. Also, the Village has no authority to create civil remedies that vary from state law remedies under the Village's home rule authority. In the case of *City of Carbondale v. Yehling*, 96 Ill.2d 495, 503, 71 Ill.Dec. 683, 687, 451 N.E.2d 837, 841 (1983), the Supreme Court held that an attempt by the City of Carbondale under the city's home rule authority to create remedies and procedures regarding the city's eminent domain powers improperly infringes upon the State judicial system and "do not pertain to the government and affairs" of the city. From a practical standpoint, this means that there really can only be adoption of the Whistleblower Act and/or the Reward and Protection Act by reference.

The Village has already adopted the Act by reference pursuant to Resolution No. 99-04, titled "A Resolution Adopting the Provisions of the Illinois Whistleblower Reward and Protection Act" ("Resolution No. 99-04"). Resolution No. 99-04 provides that the "provisions of the Whistleblower Reward and Protection Act of Illinois" are adopted by the Village as authorized by the provisions of 740 ILCS 175/1 et seq. (1998) and are incorporated by reference herein." Resolution No. 99-04 at Section 1. Ordinance No. 08-02 directly stands in direct contradiction of this Resolution and therefore, Ordinance No. 08-02 is a nullity.

Finally, Ordinance 08-02 was drafted by "alleged" legislative counsel that was illegally hired pursuant to Ordinance 07-25, and it is an ordinance that was not reviewed by the Ordinance Committee, and therefore is not valid because it is in violation of the Harwood Heights Village Code Section 2.12.220, which provides as follows: "With the exception of the ordinance and legislation committee, all standing committees of the board will advise the full board regarding the operations of the particular department or function of government to which they are assigned. The ordinance and

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legislation committee shall review all municipal ordinances prior to passage (unless such review shall be waived by a vote of the board), and shall report on state and federal legislation of interest to the village.” Section 2.20.040 of the Village Code also provides as follows, “It shall be the duty of the village attorney, when requested, to draft or supervise the phraseology of contract, leases or other documents or instruments, to which the village may be a party; and when requested, to draft or review ordinances and resolutions covering any subjects within the powers of the municipality.”

Pursuant to these Village Code provisions, Ordinance 08-02 should have been drafted or reviewed by the village attorney, and it was not as the Village Attorney stated at the last regular board meeting when he was asked to comment on the ordinance by a trustee.

In conclusion, Ordinance No. 08-02 is illegal and a nullity because it directly contradicts the provisions of the Whistleblower Act and the Reward and Protection Act, and the Whistleblower Act specifically preempts the Village from adopting any provision which contradicts the Whistleblower Act. Thus, the Village can only adopt either Act by reference, and the Village has done so pursuant to Resolution No. 99-04 making Ordinance No. 08-02 a nullity and a flagrant waste of taxpayer’s money.

Sincerely,

Margaret P. Fuller
Village President

Information/Technology
Trustee Dobrzycki

The Report of the Information & Technology Committee; since we’ve been running on time, I just wanted to say my report is short and herewith, I have no current information on the former Value City site. I have searched, but not in the past days, the site remains empty and still for lease.

I have received several phone calls concerning snow removal on CTA Bus Stops along Gunnison Avenue parallel to Ridgemoor Country Club; these phone calls have come from the City of Chicago residents. Once again, I remind everyone, that stretch is unincorporated Norwood Township; the CTA says it’s the villages responsibility to clear those sites. The village does not own that property or is responsible for it; the township or the county could be and if you folks remember I was working with Paul May on a grant to actually put a sidewalk there for those bus stops. I’ve been trying to work something out and to see what might happen with that regard.

And in conclusion, the members of the Sister Cities Committee, is ad hoc, not a paid committee; so I just wanted to make sure to clear up on that.

Forestry/Recreation
Trustee Gadzinski

Reporting from the Youth Commission; Union Ridge School requested that we do not use their scoreboard for some of the events that we hold at the school, one of them is basketball. The reason for that is, it’s not so much as using their scoreboard; it’s using their wireless remote device that is quite expensive, I heard it’s about \$800 or \$900. The reason is because if something were to happen to their remote all their sports programs would come to a halt. I met with the president of the Youth Commission, the Principal and other members of Union Ridge School and we decided that we were going to look into purchasing another scoreboard; something portable; something not too expensive; something that we could use for not only indoor sports but outdoor sports such as soccer, floor hockey if it’s outside. So, they looked into it. One of the members from the Youth Commission found someone that was selling one and my question was then “do they need it?” And they said yes; so I said just give me the bill, so I donated that. I think it will bring a lot of help and ease to the sports of the Youth Commission because they need the scoreboard to have their sports active each season.

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Public Works
Trustee Jezierny

Public Works comments; we've had some trying times here with the snow lately and many of the snow days that we've had and I do want to compliment the Public Works employees for all their hard work and long hours they spent clearing our streets, I think they did a great job with all their efforts that they put into it.

We know that there have been some issues with some snow parking bans and ticketing and I hope that these will all be resolved. It appears from the calls that I've received that there is still some confusion about the snow parking signs regarding the hours posted, which is 8:00am to 4:00pm under a "2 inch snowfall" verses "until all operations are complete". I think many of the problems exist where it's the next day after a snowfall once all these streets have been plowed, they see the pavement and they leave their cars there, when Public Works on the other hand is trying to cleanup. Again, the sign says "2 inch snowfall", so I think there needs to be some clarification in that regard.

Through a number of requests that came from residents regarding some of our state streets on Gunnison and Forest Preserve Drive and so forth, I called IDOT and they have responded very quickly and what they did is they filled all those potholes on Gunnison and they're now working on Forest Preserve Drive. They indicated to me that they have about 330 miles of lanes throughout this area; so they had called me, told me they did the job on Gunnison and they're working on Forest Preserve Drive. When I went to Gunnison they were certainly right, all those potholes were filled. So, thank you to them and I know they have a long road, per say, ahead of them; so I'm sure they'll get them all taken care of.

Public Health & Safety
Trustee Mougolias

No Report

Ordinance/License
Trustee Schuepfer

I'd like to thank the Mayor and our Village Attorney on their diligent work in producing the Mayor's Veto Messages. Again, I'd like to reiterate that the intent of both Ordinance 08-01 and 08-02 was the protection of village employees from intimidation and retaliation. I look forward to our continued and lively but civil discussion of how to protect our employees' rights to express their concerns about village operations. At no time was there any intent to change the form of government in this municipality.

Finance
Sewer & Water
Trustee Szlendak

Well, I hate to be the bearer of bad news; we had two meeting yesterday, one of them was the Committee of the Whole meeting and then prior to that we had the Finance meeting. Allow me to tackle the answer that the Mayor presented. We have to help out the SSA more than expected. The question is what are the dollars and cents that are more than expected?

Let me start off by giving you a very brief history of the SSA. Before the SSA was created, Scott Harrington from Vanderwalle & Associates went out and visited with the property owners that were affected; we paid Scott Harrington \$113,358. The SSA at that time was not in existence; therefore, it came out of the General Fund. It was our understanding that "yes" that money can come out and should come out of the SSA; the SSA should pay for its creation. The product of Mr. Harrington is this report that was generated, the Mayor is correct on it, the original cost was \$4,192,254; but what we have to do is, that is the cost that was estimate, we paid \$113,000 for that estimate to have side street improvements done at a cost of \$545,000 and also to do a public parking lot for a cost of \$100,000. So, if we subtract those two things that are no longer in our plan, the true numbers that Mr. Harrington came up with, his estimate was \$3,547,254.

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The Mayor also said that we're going to go out there and get additional grants; one of them was ITEP and whatever other grants that we can get. At one time the Mayor mentioned the "well, what we can actually do if we get adequate dollar amount in grants, we should reimburse the SSA participants some of their money." We were under the impression, until very recently, that the SSA was a self sustaining project and Mr. Harrington came up with \$3,500,000 with change. If we take the \$3,000,000 from the SSA and the \$924,000 that we got in grants, we're having a 12% cost overrun from the original estimate; that's reasonable.

Bear with me for a minute, what I would like to do is get, assign a number, just how much we have to participate with the SSA. What I wanted to do is show the true numbers here. SSA has raised \$3,000,000. Right now, \$1,076,251 was spent out of that account or is to be spent; that number came from our Village Accountant. Before the SSA was created we spent \$113,358. We have not determined the exact dollar amount that we should have credit to the SSA from the work that our attorney did; my estimate is \$15,000 because right now we are attempting to collect some of the money that Newport Builders owe to the SSA. That number can be higher, can be lower; my estimate here is \$15,000, that number once again I underlined, it's an estimate. The other numbers are already approved; Design & Engineering, that number was given by the Mayor is \$250,000; Streetscape Phase 2, the number given by the Mayor, \$139,000; Project Management and it is approved by us for \$20,000; Streetscape Maintenance, we have to leave \$20,000 in the SSA account to maintain the street. Bottom line right now, we have approximately \$1,366,391 in the SSA fund.

We're going to have some revenue with Newport Builders. The SSA right now has \$1,300,000 with change. ITEP is granting us \$474,000; CMAQ grant \$200,000; STP grant, \$250,000 and Interest of \$192,000; that's the money that's in the bank right now. The reason I'm putting it as an income is because in Martin's number we already paid out \$192,000. Newport Builders, now, here's an interesting number; originally we started out with \$318,000 and that number was given to us by the Mayor that Newport Builders owes us. The latest number that we've got is \$435,371, that's the number that the Mayor has coming in. Now, the problem is there's really no insurance, there's no guarantee that we're going to get that money. There is no bond that we have, there is no guarantee that we have from Newport that this money will be paid to us. And the way we're attempting to collect this is through litigation. The total revenue is \$2,917,819.

What we are looking to approve today, the water main is already paid for in Martin's number; Streetscape is \$3,245,825; Meade-Traffic, \$13,329; ComEd, \$630,638; AT&T, \$78,147; Comcast, \$15,518.46 and Western Electric, \$69,693; the total is \$4,053,152. Let's assume that we receive 100% of the Newport money. Let's assume that we get that \$435,000. We are short \$1,135,333; without Newport Builders we have to come in with \$1,570,704. Now, the Mayor proposed that we're going to take out \$645,000 out of the Water Fund and we cannot take out any more than that because we can only cover the water portion. The Mayor proposed that we take \$207,805 from the MFT Fund. Bottom line is, if we get the money from Newport Builders we're going to have to come up with \$282,528 out of our General Fund. The bad number is if we do not get the money from Newport Builders, out of our General Fund we have to come in with \$717,899. The problem that comes in here and I understand we have to go and pay for the improvements; we want to do as much as we possibly can. Our problem is, is we are strapped for money and we have to watch what we're doing.

We had a meeting of the Finance Committee and as Mark Dobrzycki pointed out, Value City is closed. What it really means to us is we're not getting \$250,000 in sales tax per year; we're short next year, next appropriation year, we're short \$250,000. If we get the money from Newport Builders, we have to come in with approximately another \$282,000. That's \$500,000 that we are short for next year. And god forbid if we don't get any money from Newport for next year, we have to come in with, we're short \$1,000,000 and those are real numbers. When the bills come due we have to make sure that we can pay them.

Now, during our Committee of the Whole meeting, the trustees said "well, we should invest in our village and cutback on our appropriation." I welcome and I expect their input when we are working on our new appropriation budget and I would like to hear, where do they want to cut? Do they want to cut the police officers? Police cars? Computer system? Employees? Our problem is, we are extremely stretched and we're tossing the numbers around and everything else. What we're looking at, this money has to come from the General Fund because we have MFT money and in the water and we're already using it up. Where we're falling short is in the General Fund and that's where we are paying most of our bills.

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Clerk's Report
Clerk Larson

No Report

Attorney's Report

No Report

F. TRUSTEE COMMENTS

Mayor Fuller: I just want to make a couple of comments before everyone losses track. First of all, if you look at this spreadsheet that you were handed, the third and fourth line down, Vanderwalle and Robbins, neither one of those figures were paid from the SSA Fund. The amount that was paid to Vanderwalle through the SSA was \$17,012.21; so those are not part of the SSA right now. As far as Newport, the trustee keeps saying "if we get the money from Newport"; well, why did they sue them if they weren't going to get the money, if they didn't think they were going to get the money from Newport for this money. That figure that I gave them is the numbers that are in the lawsuit and the lawsuit is a public document, anyone can go downtown to the Circuit Court and get a copy of that suit. So, I figured in my spreadsheet and I didn't bring copies of it, but I did a spreadsheet like it should be where the expenses and the revenue come out even. So, by paying for the water main through the Water Fund and using some money from the MFT we would be able to do the project.

Also, the last contact I had with the management for the leasing agent for the Value City property told me that they had a possible tenant to go in April 1st. I did leave a message for them but I haven't gotten a call back yet to find out if that has been confirmed; they were waiting to sign some leases and things.

They keep saying "Mayor", "Mayor said this", "Mayor said that", "true numbers"; these are all proposals and options. He also said something about \$127,000 paid to Vanderwalle for the SSA, that's not true either. We hired them for many issues and one of them was for the Comprehensive Plan for the village, where they drafted the plan, we had many meetings and a large portion of that was for the Comprehensive Plan and we interviewed 5 different firms and the cost for them was very reasonable compared to some of the other firms that would have cost even more.

And then the last comment I have is a comment that was made by one of the trustees about they have to protect the employees from intimidation and things like that. None of the employees want to have to answer to six trustees; I think that's all I have to say there.

Trustee Szlendak: The Mayor gave us the impression that I took the Comprehensive Plan money that we paid to Vanderwalle & Associates; no. What I did is this, public improvements for 2005/2006 was \$10,436; to Investigate the SSA, we approved \$40,434.85; to get the ITEP Grant, we paid \$3,500; Establishing of the SSA, the general management of the project, \$30,000; Streetscape Improvement Work & Design, \$44,000; those are related directly to the SSA. We basically already paid out of the SSA \$17,000, therefore, we've got \$113,358 that was paid out of the General Fund, that was already paid. The Mayor says "it was already paid; therefore, it does not have to be." My question is, that was the money that was paid in order to setup the SSA and my concern is, if it was the cost to setup the SSA; therefore, it should come out of the SSA. Let's keep the numbers straight.

Let's take a look at it and see how much our residents are digging into their pockets to pay. Let's show the numbers so everybody sees them.

Our attorney; granted the bills have not been pulled out and nothing was paid out of the SSA to our attorney; all of these bills were paid out of the General Fund. My point is, if our attorney, Village Attorney, worked on the SSA project; therefore, those costs should be attributed to the SSA. All I wanted to do is keep the number together to see what's what; let's not do smoke and mirrors to look at, let's see the true numbers and then make our decision, just to see what is the true cost of this project.

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Trustee Jeziorny: On the agenda tonight are various Utility costs, totally \$807,000, which would begin the Lawrence Avenue Streetscape project. If these costs are approved tonight, we are locked in to completing the entire project this year.

I am torn, I'm torn between approving the full scope of this project being done at one time this year and risking the financial welfare of our Village by depleting our funds to meet costs.

Initially, yes we were told that the cost for the Lawrence streetscape project would be covered by the SSA's \$3,000,000 bond issue and including an additional \$924,000 in grants that we received. We are now faced with close to \$2 million in additional cost overruns before the project has even begun and, this does not take into account any further change orders or costs that could occur once this project takes place.

The only way this project can proceed today is by depleting cash in all our working funds. I have a serious concern about this and many residents that I spoke to are also concerned about the financial burdens of this project.

We all need a plan to accomplish our goals, but in this case we need time to execute a plan and a budget on how we are going to account for the cost of these overruns and to make sure that the other areas of our community do not suffer the consequences as a result.

As much as I would like this project to move forward as it is with enhancing the appearance of Lawrence Avenue and, we are committed to those who have paid into the SSA, it is also necessary for us to be financially responsible, to do what we can afford and not to put a huge burden on our Village finances at this time or even ignore the other needs and necessary infrastructure throughout our Village; an example is Oak Park Avenue, it needs a water main desperately, there are water breaks going on there all the time, for years and years. What other sacrifices will we need to make to account for these overruns?

At this time we have not received our April 30, 2007 audit yet, we have no idea of what our expenses are to-date for this fiscal year and we have no idea of the exact cash in bank up until this point at this evening when we just received one sheet of paper. Our MFT account has not been audited since 2002 and, we only received ONE bid on this project when contractors are thriving for work. How can this be? So how can this Board go forward and make a responsible decision today.

My initial suggestion was to do a project in phases and to do what we can and what we can afford to do now. As another suggestion, what harm, really what harm would it be in delaying this beautification project until next year and give ourselves an opportunity to get a clear picture of our financial situation; to appropriate funds without using up our fund resources, to pursue other grants and obtain other competitive bids and determine what developer interests exists for that street.

My concern here is for the welfare of our Village, it is my vote and my personal vote alone. It's not only for Lawrence Avenue; it's also for the Village as a whole. I believe this project should be done; but done responsibly. I am not against this project. We have committed this project through SSA taxpayers and we need to do it, but this project was supposed to be encompassed by their tax dollars alone and then the grants that we have; it has now surpassed that.

I will ask this Board to table these costs so that we can be in a better position to move forward with the project in stages or until we have competitive bids and a better picture of its true costs and our own true financial resources.

Trustee Dobrzycki: Using the word hope, it's my hope that all of us sitting here on the board are serving because we want to do the best for the village, make sure that we proceed and make this village grow and the things that we decide upon are for the betterment of the village. Now, there's been many things said about this, many things written about it and it is not our hope but it is our expectation that the action that we will undertake would be for the benefit of the village and it's not just hoping. It's not a gamble, but it is a risk, and there is nothing that we do in life that doesn't have a risk.

There's no guarantee that when a few residents of a few city blocks incorporated the village, there's no guarantee that we're going to stay there the next day or the next year and decide that we have to move someplace else when there

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already is a village and why should I struggle and fight to make something out of this place. The economy is difficult, but there are communities that are doing things and moving ahead, making investments at whether it's going to be for something that's going to bring them a return tomorrow or in several years, at least they'll be in place to make sure that that happens.

With all due respect to the members of the board, when the developer of the old Village Hall property came to the village and said that he could not proceed with the project because he wasn't going to make any money, money that he had private funds that were going to invest in that project and that he was going to change that project it resulted in a lawsuit. And, once again the public documents that said he's not fulfilling his end of the agreement which was to build that project.

Now, the money spent on this building when we talk about spending and so forth, was originally an agreement that was changed. The spending on this building here and I forget the technical term for it, I remember it was discussed several years back, but the spending on this building here was not adhering to the original estimate and that's not including cost runs, it was how the contractor was doing this project and excuse me I don't remember the exact term.

Now, this board actively pursued this project to the point that several of the grants that were given, were given with the full expectation that we want to proceed with this project and the engineer of Chris Burke, Mr. Lee Fell stated that we may risk in the future losing the possibility of receiving grants. The benefits of the Lawrence Avenue project may indeed directly benefit financially and otherwise the owners participating in the SSA, but its ultimate goal would be to reward the entire village.

As was stated before, we need to show that we're willing to invest in our village and I know that it's a very difficult decision when you start talking about this sum of money. But, when this Village Hall was built, it was never built with the intent of bringing additional revenue to the village. But yet, it cost more and the Village Hall is still not done. The idea behind the Lawrence Avenue project is that when developed it will attract people to our village to make that investment to come here, put a business here, put a development here that in the end would create new sources of revenue; that we don't have to go back to old sources of revenue. And Trustee Jezierny stated that if we develop one part along where old Magnaflux is, ITW, and we do that landscaping there, the streetscape project and a new developer comes along and decides that sidewalks have to be moved or grass torn up or something like that; I think that would be a very good problem to have. Because he's there, he's willing to make that investment and if he's going to tear up that project so he can put in a new store, a mall, a development, hey, that's a good problem to have.

Trustee Schuepfer: I have a unique perspective on the issue that's before us this evening. As many of you've heard there is an SSA in the village, there are 10 property owners that are contributing to the SSA; the village and the Fire District are also property owners but they are not contributing to the SSA. In order to generate the \$3,000,000+ dollars in the SSA each of the property owners of the 10 properties owners are contributing money each year for the next 20-years. Just to give you an idea of what my commitment is in terms of the development and future of Harwood Heights, my family is contributing as part of the SSA, \$170,000 over the next 20-years. Other property owners are contributing less, some even more.

Now, when we're going to consider this tonight, I have two concerns. One, I can look at this as a participant in the SSA. I'm putting up the bucks, I want to see development. I have no sidewalk; my tenants have to track through mud right now because we have no sidewalk. So, if I was just voting as a resident of Harwood Heights and a member of the SSA I would say please, please just get on with it. But, I'm a trustee and I have to push my own personal concerns and those of my family's financial welfare to the back burner. And here's what I'm confronted with as a trustee. Yes, we absolutely need to provide for the future of Harwood Heights. But my dilemma is that we're being asked to spend money, which is fine, we need to invest in Harwood Heights as many of our trustees have mentioned, the problem is that none of the trustees' knows exactly where we are financially at this point in the fiscal year. Let me just give you an analogy, can you image running your own finances, not knowing exactly how much money has been deposited? We don't know what revenue has come in to date.

So, last night we learned something, we learned that in fact there was a sale of two properties in the industrial area. I don't know what the transfer tax was? I can tell you as a member of the Finance Committee that we built an appropriation around the assumption that there was going to be a million dollars in transfer taxes. Do I know that in the

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end of February how much money we have in transfer taxes? No. Do I have a month by month balance? No. So, I would love to say okay let's take a risk if we have to find a half of million or if we have to find \$700,000; okay. But right now I can't write the proverbial check for a half of million dollars if I don't know what's been deposited and what my balances are in each of those accounts. So for me, I can't say yes until I have that information. Call me old fashion, call me an egghead, but I'm not going to make a decision until I know what the financial status is of this village. We did an appropriation. We made some estimates about revenue. We've been spending money appropriately and conservatively. All of you who attend regularly know how conservative we have been with dollars. Shouldn't the trustees know what dollars are available before we make such a critical vote? Will it take a little bit of time? Yeah. Does it mean that we have to put off the project? No. Just give us information. If it requires us to phase it, then we phase it; we can start this year, if the moneys there then let's go for it. But right now I am unwilling to write the check in the dark.

G. SPECIAL COMMITTEE REPORTS

Trustee Gadzinski: I just wanted to comment that Trustee Dobrzycki and I attended the WSSRA, West Suburban Special Recreation basketball tournaments that were held in the Town of Cicero High School. It was hosted by the WSSRA and all the Special Recreation Associations from around town, around the suburbs, villages, municipalities throughout Illinois attended this and it was a lot of fun. I was there for a few hours in the morning and as soon as I left I found out that Trustee Dobrzycki was on his way and I'm sure he contributed a few hours there. So, the more help we contribute, the more help we give to the WSSRA, the better they are and believe me they need the help; even helping them lifting or just taking pictures or just contributing alone is a lot more than writing a check out.

H. APPOINTMENTS/REAPPOINTMENTS

I. CONSENT AGENDA

Mayor Fuller: I have to add a couple of comments here. First, the project was bid out by IDOT, so it did go out to bid and because it was bid out this year it came in at \$3.2 million and it's only going to go up if it has to go out to bid again it will even be more expensive as prices keep rising every year. I wanted to say that I wish Trustee Jezierny would have considered cost overruns when she voted for this Village Hall when the price was estimated at \$3.5 million and came in at \$7,000,000, producing no new revenue. A project that was not bid out until I complained about it and then the rest of the work was bid out but the major contractors for electric and plumbing was never even bid out.

Another comment is that the property owners that are in the SSA are going to start paying their taxes for this bond issue this year. It looks like the way the trustees are going they may be paying taxes and having no improvements at all.

And then you know the comments about not having the financial statements, I was a trustee for six years, I asked for things. I filed Freedom of Information requests to get information from the village. You know; be responsible, ask for things. We had a Committee of the Whole meeting on February 6th; they knew these issues were coming up. It wasn't until February 20th that Trustee Szlendak contacted the accountant for information. So, you know, all I hear is somebody else is always to blame; they never take responsibility for their own actions.

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda items I 1-18 as Amended: Trustee Szlendak pulled I 6, I 7, I 8, I 9 and I 10 for a separate vote.

Motion by Trustee Schuepher, seconded by Trustee Gadzinski to amend the dates on motion I 13; all in favor.

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda items I 1-5 & I 11-18 as Amended:

1. To approve the regular minutes of the Regular Board Meeting held on Thursday, February 14, 2008; amended to include attorney's comments from motion discussion.
2. To approve expenditure, not to exceed, **\$5,074.50**, payable to Miner Electronics Corp. for installation of equipment for Police squad car to be expensed to line item 11-05-00-7044 FY 07/08 -Police Department.

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3. To approve expenditure, not to exceed **\$1,040.00**, payable to Thompson Elevator Inspection Service, Inc. for elevator inspections throughout the village, to be expensed to line item 11-07-00-7024 for FY 07/08 – Building.
4. To approve expenditure, not to exceed **\$1,800.00**, payable to National Waterworks to purchase Sensus Water Meter for Tornado, Industries, 7401 West Lawrence Avenue, reimbursed by Tornado Industries, under Water and Sewer account for meter sales 07/08 – Water and Sewer Fund.
5. To approve a variance request to replace an existing non conforming sign with an LED sign for the property located at 6765 W. Forest Preserve Drive, aka Skores Bar and Grill, approved by the Zoning Board of Appeals Hearing on 2/4/08 and **to direct the Village Attorney to prepare the Ordinance pursuant to the recommendation of the Zoning Board of Appeals.**
11. To end the Health Reimbursement Arrangement adopted by Resolution 07-07 effective April 30, 2008, for those legally eligible employees, **until reevaluated for continuation into the next fiscal year.**
12. To approve a 3.5% salary increase for all full and part time office, accountant and public works employees and Public Works Superintendent retroactive to January 1, 2008.
13. To approve the following change in benefit distribution for eligible village hall office, accountant and public works employees and the Public Works Superintendent: To approve an 8% pre-tax health insurance deduction for all eligible full time employees whose annual salary is over \$40,000.00 and a 6% pretax insurance deduction for all eligible full time office, accountant and public works employees whose annual salary is \$40,000.00 or less, effective **January 1, 2008**; deductions based on the Employee Health Insurance coverage is free; the deduction percent will be on dependent coverage only. No deduction for dental insurance coverage will be made effective **January 1, 2008** (discounted).
14. To approve a pay scale increase for Public Works laborers, Maurizio Lazazzera and Ron Maslo to laborers high scale of **\$47,161.92** plus the 3.5% increase retroactive to January 1, 2008.
15. To adopt Resolution 08-05, A Resolution Authorizing the Village President and the Village Clerk to execute a partnership agreement between Comune di Rocchestta a Voltuno, Italy, and the Village of Harwood Heights for a Sister City Twinning Relationship.
16. To adopt Resolution 08-06, a Resolution Authorizing the Village President and the Village Clerk to execute a partnership agreement between Miasto Dzierzoniow, Poland, and the Village of Harwood Heights for a Sister City Twinning Relationship.
17. Transfer from Parkway General Savings Account in the amount of **\$191,254.77**, as they appear on check register **#44265** thru **#44335**.
18. Transfer from Parkway General Savings Account in the amount of **\$147,048.37** to Parkway Bank Payroll Account.

A roll call vote on Consent Agenda items I 1-5 & I 11-18 as amended resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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ITEMS PULLED FROM THE CONSENT AGENDA

**Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda item I 6:
Motion to Table by Trustee Jezierny , seconded by Trustee Schuepfer Consent Agenda items I 6-10:**

6. To approve an agreement with Meade Electric Company, Inc. in the amount of \$13,329.00 for traffic signal service relocation and Bank sign service relocation for the Lawrence Avenue Streetscape project and to authorize the Mayor to execute the agreement, to be expensed to line item 56-00-00-7004 FY 07/08 - SSA.

A roll call vote to Table Consent Agenda items I 6-10 resulted as follows:

A YES: Trustee Jezierny, Schuepfer

NAYS: Trustee Dobrzycki, Mougolias, Szlendak

ABSTAIN: Trustee Gadzinski

ABSENT:

Motion Failed

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda item I 6:

A roll call vote on Consent Agenda item I 6 resulted as follows:

A YES: Trustee Dobrzycki, Mougolias, Mayor Fuller

NAYS: Trustee Schuepfer

PRESENT: Trustee Jezierny, Szlendak

ABSTAIN: Trustee Gadzinski

ABSENT:

Motion Carried

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda item I 7:

7. To approve an agreement with ComEd in the amount of \$595,638.19 (deposit of \$35,000 already paid) for underground electric for the Lawrence Avenue Streetscape Project and to authorize the Mayor to execute the agreement, to be expensed to line item 56-00-00-7004 FY 07/08 – SSA.

A roll call vote on Consent Agenda item I 7 resulted as follows:

A YES: Trustee Dobrzycki, Mougolias, Mayor Fuller

NAYS: Trustee Jezierny, Schuepfer

PRESENT: Trustee Szlendak

ABSTAIN: Trustee Gadzinski

ABSENT:

Motion Carried

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda item I 8:

8. To approve an agreement with AT&T in the amount of \$78,147.87 for underground work for the Lawrence Avenue Streetscape project and to authorize the Mayor to execute the agreement, to be expensed to line item 56-00-00-7004 FY 07/08 – SSA.

A roll call vote on Consent Agenda item I 8 resulted as follows:

A YES: Trustee Dobrzycki, Mougolias, Mayor Fuller

NAYS: Trustee Jezierny, Schuepfer

PRESENT: Trustee Szlendak

ABSTAIN: Trustee Gadzinski

ABSENT:

Motion Carried

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Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda item I 9:

9. To approve an agreement with Comcast Cable Communications, Inc. in the amount of \$15,518.46 to relocate underground existing coaxial cables for the Lawrence Avenue Streetscape Project and to authorize the Mayor to execute the agreement, to be expensed to line item 56-00-00-7004 FY 07/08 – SSA.

A roll call vote on Consent Agenda item I 9 resulted as follows:

A YES: Trustee Dobrzycki, Mougolias, Szlendak, Mayor Fuller

NAYS: Trustee Gadzinski, Jeziorny, Schuepfer

ABSTAIN:

ABSENT:

Motion Carried

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias on Consent Agenda item I 10:

10. To approve an agreement with Western Utility Contractors, Inc. in the amount of \$69,693.28 for construction work to relocate the existing Nextel fiber optic facilities for the Lawrence Avenue Streetscape Project and to authorize the Mayor to execute the agreement, to be expensed to line item 56-00-00-7004 – FY 07/08 - SSA

A roll call vote on Consent Agenda item I 10 resulted as follows:

A YES: Trustee Dobrzycki, Mougolias, Szlendak, Mayor Fuller

NAYS: Trustee Gadzinski, Jeziorny, Schuepfer

ABSTAIN:

ABSENT:

Motion Carried

J. NEW BUSINESS

None

K. OLD BUSINESS

None

L. CORRESPONDENCE

None

M. OTHER NEW BUSINESS

None

N. TRUSTEE COMMENTS

Trustee Dobrzycki: To keep my ongoing streak with “Meet with Mark”, I know that you publicize it, but I will be meeting with residents tomorrow at Butera.

With all the comments made tonight, yes, I am afraid but I believe with all the work that we did in preparing for this the benefits that it will bring to the village is worth the risk. There’s never any guarantee, there’s no guarantee that walking

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out this door tonight going to trip or get up tomorrow morning and get out of bed. Yes, it's a big project for our town; no we don't have the money to make Harwood Heights a quaint little village. Maybe if this project fully blossoms, who knows, maybe in 5, 10, 15-years because of the success of this project we will have the money and we may be able to accomplish your dream Trustee Jezierny and make Harwood Heights into a quaint little village.

Trustee Schuepfer: I am pleased as a resident and contributor to the SSA that the street project is going through. Once again, my concern is as a trustee, I would hope that some of what we heard about our Sister City, or soon to be Sister City in Poland would eventually be assimilated by Harwood Heights and that is that our Sister City in Poland won the award for transparency in government. Unfortunately, our transparency is still opaque and we can't tell our trustees nor can we tell the residents to what degree we have strapped our village financially. I would hope that at least within a month we would be able to tell our residents what the financial condition is of the village. Thank you for participation and your belief.

Trustee Mougolias: First I would like to tell the residents that stayed here, I'm sure you're glad you stayed because the votes tonight were probably more exciting than the Super Bowl. But, I would like to say that I am a little bit, I do agree with Trustee Schuepfer, that we need to see our finances and the board should see our finances and I am very disappointed in the Mayor's comments about that she was a trustee and we should FOIA for the information. I voted that the board should get the information; they don't need to FOIA the information. I know that the Mayor thinks she was treated unfairly and I believe she was to, she was treated unfairly in the past administration and I don't think she should do the same thing to the rest of us.

Mayor Fuller: No, well you misunderstand; I don't think you should have to FOIA. I'm just saying that's what I did. If you really wanted something now you could FOIA then you'd see how long it takes to get it. You're getting everything as soon as the accountant gets it done, he just can't do everything.

Trustee Mougolias: I understand, but the way you said it, I know you were treated unfairly and I don't think that you should do that to us also.

Mayor Fuller: I didn't mean it like that; I mentioned that's what I had to do and you're welcome to file a Freedom of Information request if you want to keep track of something. You're not getting it because it's not there! You want an audit for this fiscal year that hasn't been completed yet.

Trustee Szlendak: It was brought up about the litigation against Newport; the Mayor is planning the money that we are attempting to get through the litigation. The reason we are litigating is because Newport Builders have not lived up to their agreement, they are not coming in and saying "here's the money." The money that they owe us for the streetscape is completely irrelevant whether or not they put up anything on that property; that's the reason that we are litigating. By the same token, the litigation, as our counsel can say, there is no guarantee that we're going to win. What we're doing here is we're really jumping to conclusion that we're going to get all of that \$435,000 and I don't think it's going to happen or it will not happen in that exact amount.

Trustee Dobrzycki: I cut myself off, I also wanted to add, that yes, I have contributed in the past and I will take as in the past and participate as Trustee Szlendak asked in making financial decisions for the village and I will do that in the future.

If you will remember at the last meeting, I presented a new idea for new sources of revenue, not only new sources of revenue, but to help alleviate the problem that has been causing difficulties for residents of the village, the streets that we have and the cars that are parked and the trucks that are parked in the village. So, I will do my best to come up with new ideas as I did at the last meeting that has not yet been reported in the paper. And I hope that the word gets out that we are an imaginative group, we are a group that can put our heads together, come up with new ideas and not revisit the past and try to up rates, but come up with new sources and new ideas for revenue. And hopefully, with the Lawrence Avenue project we will have new sources of revenue by this time next year.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HARWOOD HEIGHTS
HELD ON THURSDAY, FEBRUARY 28, 2008**

O. EXECUTIVE SESSION

Executive Session: Pursuant to (5ILCS 120/2) Sec. 2. Open meetings: C. Exceptions. A public body may hold closed meetings to consider the following subjects: (1) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias to enter into Closed Executive Session at 10:27pm.

A roll call vote to go into Closed Executive Session resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Motion by Trustee Jezierny, seconded by Trustee Dobrzycki to close the Executive Session at 10:50pm.; all in favor.

Open Session reconvened at 10:51pm.

P. ADJOURNMENT

Motion by Trustee Jezierny, seconded by Trustee Dobrzycki 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, February 28, 2008 at 10:51pm.

Respectfully submitted,


Dianne H. Larson, Village Clerk