

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF HARWOOD HEIGHTS
HELD ON THURSDAY, JULY 10, 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 (Electronic Attendance) Arlene Jezierny Demetrios Mougolias (Absent) 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 think I will ask for a few more minutes of time.

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

Joan White: My comments cover three different areas tonight. Mr. Schmidt spoke yesterday at the Committee of the Whole meeting, saying that he did not recall the use of the terms "due from" or "due to" and thought perhaps these were some old accounting terms, used maybe 10-years ago, but not in the current system with updated programs. I know that Mr. Schmidt was a trustee for two years and received financial audit copies and other monthly reports, but perhaps he never looked very closely at some of the data presented. In government accounting, it has always been that a balance sheet report shows a line for every single fund where it will display a category in assets called "due from other funds" and another line item in the liability section called "due to other funds." This has been the same form in use for the village audit reports since day one and every trial balance given to trustees clearly shows amounts that are considered "due from" or "due to" any other fund. Mr. Schmidt, I've made some copies of audit pages and trial balances just to show you some examples of this.

The Mayor has given to the trustees, and has posted on the village bulletin board a copy of her Appropriation Ordinance for the 08/09 fiscal year. My question is; has the Mayor's Appropriation Ordinance been double checked by our Village Attorney, just to make sure that the revenue and expenses are properly appropriated for the grant funds which we have? This subject came up last night at the Committee of the Whole meeting, but the auditor gave no definite clarification on this matter. I, therefore, do ask this question of the Village Attorney.

According to the Pioneer Press newspaper today, regarding the Jezierny/Szlendak case looking for proof of the Mayor's charges of corruption, the judge was apparently holding fast to the letter of the law which openly gives the Mayor, while sitting at a board meeting, the option to make any charges against anyone, whether they be true or not, and the Mayor never has to stand behind what she says. She does not have to prove the truth of any statement, no matter how twisted or incorrect it may be. And she holds no responsibility to those who listen, those who believe that she is speaking the truth. She can present opinions, without real facts to back them, and is lawfully free to insult, incriminate or disgrace any individual.

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What a blow to what we call "ethics" in government. And what a disappointment to those who voted for her, and believed her promises to be real and sincere when she was running for that office. This means we cannot believe in the truth of even her long Mayoral reports given at board meetings. According to the judge, she cannot be believed when she sits in that chair. Our faith really has been shattered. I believe a mockery has been made of that office.

Aya Barnea, Citizens Advocacy Center, 182 N. York Rd, Elmhurst: Good evening. My name is Aya Barnea and I am a legal intern at the Citizen Advocacy Center. As we've explained in prior public comment periods, our organization is on the side of good government and the citizens of Harwood Heights. First, I would like to applaud Trustee Jezierny and the board of trustees for their efforts in improving the Village bus program. This program directly benefits the citizens of Harwood Heights.

However, I am concerned that appointing Trustee Jezierny to be Bus Program Director will ultimately cause taxpayer dollars to be wasted on an illegal action. Appointing Trustee Jezierny to this position violates your own village code and Illinois state law.

The Harwood Heights Village Code states that the Village President shall appoint all officers subject to the advice and consent of the board of trustees. From my view, it seems as though Trustee Jezierny has appointed herself to this position, stating at the June 26th village board meeting that, "I am more than willing to continue to provide coordination at no charge to the village." This intent to exercise fiscal responsibility is a noble one, but unfortunately it violates village code. Did the Mayor appoint you? If not, then you're in violation of your own village code.

Also, Trustee Jezierny, if you serve as the Bus Program Director, you will be acting in direct violation of Illinois state law. 50 ILCS 105/2 states, "No alderman of any city, or member of the board of trustees of any village, during the term of office for which he is elected, may accept, be appointed to, or hold any office by the appointment of the mayor or president of the board of trustees, unless the alderman or board member is granted a leave of absence from such office, or unless he or she first resigns from the office of alderman or member of the board of trustees, or unless the holding of such office is authorized by law. Any appointment in violation of this section is void." In 50 ILCS 105/4, the law states that any member of the board of trustees who violates this provision is guilty of a Class 4 felony and any office of a person who is convicted will become vacant.

It seems to me that the board of trustees is trying to get around this issue by writing in Ordinance 08-15 that the corporate authorities, and not the mayor, will appoint Trustee Jezierny. This does not solve the problem. Again, under Harwood Heights' village code, only the Mayor can make such an appointment. Moreover, no laws appear to authorize the simultaneous appointment or holding of two offices. I am frankly confused as to why Trustee Jezierny would use taxpayer dollars to implement such a beneficial program in an illegal manner. So, which office do you plan to occupy – Bus Program Director or village trustee? You cannot do both and still follow village and state law. I urge you to continue what you started in improving the Village Bus, act in taxpayers' best interest, and step down from the Bus Program Director position.

This matter presents yet another example of how the inappropriate actions of the board, even if they are well intended, are creating potential legal problems for the village that can cost taxpayers. We urge the board to ask your legislative attorney, to whom you are paying tens of thousands of dollars, to explain to you how to fix the significant legal problem.

Roy Schmidt, 4336 N. Rutherford: I attended a non meeting yesterday regarding the most recent audit. I came away from that meeting feeling a lot better than when I left the finance meeting held the week before. At the finance meeting the trustees were talking about secret funds and about the village being in the red for the past 10-years. However, at the audit meeting, I heard that we were better off than we were last year. Now, believe me, I am not fooling myself and think that we have all this money, but I do feel that if the trustees acted fiscally responsible we can make it and that includes raising necessary fees. I am sure the Mayor will talk about the audit when appropriate. I hope the board continues to look into these secret funds and lets the rest of us know what is going on.

This brings up the audit of the police funds. Trustee Szlendak mentioned at a meeting that he had concerns about the Police Chief not handling the drug fund correctly. At one meeting the Mayor had placed an item on the agenda to approve an audit company to do an audit on the police funds. The board declined it and Trustee Szlendak said State Police would do the audit for free. Mayor Fuller found out that it was not true and put the item on the agenda again only to have the board not approve the audit. I need to ask who is hiding what? Is the board not concerned anymore? What is going on? Has Trustee Szlendak changed his mind?

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I would also like to bring up another subject that Mrs. White mentioned at a meeting over a year ago. Mrs. White asked about a fund that was held for over 20-years. This fund was for monies owed to the businesses. I will ask this board the same question she did of the previous board. When will those funds be returned to the businesses? Do the funds have to be listed in the budget? I thought it was strange that Mrs. White had never asked that question in all the previous meetings I attended with Mayor Willas and Pabich, but I hope she will ask it again to this board. I am sure she is still concerned about it.

At the last meeting I attended, one attorney from the Citizen Advocacy Center talked about the illegality of the having a resolution change, suspend or otherwise repeal an ordinance. I am not a lawyer, but this makes sense. Has the legislative attorney addressed this? Can the board explain this?

At a previous meeting a resident mentioned that the board should be aware of what people are saying on the street. I agree. Sadly, what I am hearing is that the entire board needs to be removed. What a shame that it has only taken a year for the residents to feel that even the new members need to be removed.

And lastly, I just read something in the paper today that made me laugh. The article gave a background on the lawsuit filed by the trustees against the Mayor. In the article they said that the trustees expressed concern about people entering the Public Works Department. I remember the trustees calling it a break-in, even when they knew it wasn't. I remember them making all sorts of comments regarding the Mayor. As I have said before, I thought of Watergate all over again. It sounded to me like they were making more accusations than their concerns.

Mayor Fuller: I'm sorry; you didn't sign up for public comment. Make a motion so that the resident can speak.
Motion by Trustee Dobrzycki, seconded by Trustee Schuepfer; all in favor.

Judith Simmons, 6422 W. Gunnison: Basically, I just have a question. When I received my renewal for my village sticker my social security number was on it and nobody is putting social security numbers on anything because of identity theft and I was wondering when it was going to be taken off or are you considering taking it off?

Mayor Fuller: Could you just leave me your address. We will check into that and get back to you.

E. REPORTS OF MAYOR, TRUSTEES, CLERK AND ATTORNEY

Mayor's Report
Mayor Fuller

First thing tonight I want to welcome back Richard, our Sergeant at Arms, he had surgery and recuperated, so he's back tonight.

I attended a special meeting held by Cook County President Todd Stroger expressly for Cook County suburban Mayors. All the Cook County Department heads were there and spoke with us individually and then gave a presentation. It was a very informative event and I now have contacts in the many of the offices of the county that assist us. The group was knowledgeable in planning, progressiveness and the willingness to work together.

I am pleased to announce that the draft audit reports for fiscal year ended 4/30/2007 were received and reviewed and are ready for board approval at the next board meeting. A public hearing for the FY 08-09 Appropriation Ordinance will be held July 24th at 7:00 p.m.

Our purchasing agent was finally able to get the old copy machines returned and closed out, but not without snags, they tried to charge us \$950 but he was able to get that cancelled. So we thank him for his work on the new copier contract.

Over the 4th of July Holidays a contractors vehicle was vandalized and burned with fireworks. With the help of the village's new security cameras at Harlem and Lawrence; they were seen on the cameras by our dispatcher, Sam, who was monitoring the cameras and contacted the police with descriptions. The offenders were caught by our police officers. Thank you to the quick response by our communications staff and our police officers.

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Chief Podosek received two letters from Norridge's Police Chief Chuck Ghiloni thanking us for participating in the NIPAS call out for a situation on June 22, 2008. The letters say thank you to Lt. Frank Biagi and Officer Greg Hauptman, as part of the NIPAS emergency team, who responded in a rapid and professional manner. He extends his sincere gratitude to our officers and we too thank our officers for their efforts and professionalism.

Chief Podosek received a letter from the Alliance Against Intoxicated Motorists', Executive Director Charlene Chapman acknowledging the exceptional DUI enforcement of Officer Steve Biagi, Officer Greg Hauptmen, Corporal Joe Nardulli and Officer Jolanta Smith. Each of these officers received Certificates of Appreciation in recognition of Commendable DUI Enforcement. On behalf of the Village of Harwood Heights, I thank these officers for saving lives and for their outstanding public service.

On June 18, 2008 a LEADS agency audit was conducted at our police dept by a field specialist for the Illinois State Police. The objective is to insure the quality and accuracy of the records entered into LEADS/NCIC. LEADS is used in communications' and through our mobile data terminals; it stands for (Law Enforcement Aids Dispatch System) and it is overseen by the Illinois State Police; all law enforcement information is received and sent through LEADS. A LEADS audit is required with participation in LEADS conducted by the Illinois State Police every 3 years ensuring that agencies are compliant with LEADS/NCIC policy and procedures. Chief Podosek received a letter from the Illinois State Police, Information and Technology Command, LEADS Administrator Carol Gibbs, congratulating our Police Department for full compliance with LEADS/NCIC rules, regulations and policies.

Public Works has been busy with everyday village maintenance projects and various works such as meter replacement and getting areas where water breaks occurred ready for repairs.

In an update of the Lawrence Avenue Streetscape project, all storm sewer work is now complete. The curb and base for parallel parking is complete along the south side of Lawrence and is 75% complete along the north side; the planter walls are completed along the south side of Lawrence and the contractor is currently working pouring the foundations for planter walls along the north side. Approximately 50% of the light pole foundations have been installed. All driveways have been poured except for the east half of the shopping center entrance.

Next week the contractor plans to pour the sidewalk along the north side of Lawrence between Olcott and Oketo, continue installing planter walls and light pole foundations along the north side and pour the remaining pavement patches along Lawrence. The contractor is on schedule and anticipates meeting the deadline.

My only comment on the police union contract right now is that I am not at all pleased with the process and I find some of the things taking place very unprofessional t.

***I will now pass out my veto of Ordinance 08-15,

July 10, 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 08-15**, an "Ordinance Creating the Position of Bus Program Director & Transportation Coordinator." I veto and withhold my approval from this Ordinance for the following reasons:

I veto Ordinance 08-15, an Ordinance Creating the Position of Bus Program Director & Transportation Coordinator because I, as Mayor, have the authority to appoint all officers of the Village pursuant to the Illinois Municipal Code and the Village Code. 65 ILCS 5/3.1-30-5; Harwood Heights Village Code at Sec. 2.08.080. The Board of Trustees are not given such authority. Thus, the recommendation for and the appointment of the bus program director and transportation coordinator resides with the Mayor. *Pechous v. Slawko*, 64 Ill. 2d 576, 2 Ill.Dec. 701, 357 N.E.2d 1144, 1147 (1976).

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In the case of *Pechous v. Slawko*, 64 Ill.2d 576, 2 Ill.Dec. 701, 357 N.E.2d 1144 (1976), city aldermen attempted to transfer to themselves the power to appoint the superintendent of streets, the commissioner of public works and the city collector. The Illinois Supreme Court determined that the powers of appointment that were sought to be transferred from the mayor 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 Supreme Court also held in *Pechous*, that an ordinance enacted by board of trustees of the Village of Oak Lawn eliminating the office 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. *Id.*, 357 N.E.2d at 1151. The same reasoning is applicable to the Mayor's authority to appoint the bus program director and transportation coordinator.

Furthermore, the Mayor is the supervisor of all employees and appointed officials of the village. Ordinance 08-15 attempts to give the administrative powers to a person appointed by the board of trustees. 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).

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.

Like the ordinances at issue in *Dunne* and *Pechous*, Ordinance No. 08-15 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* are clear - if the balance of power is sought to be changed, it must be accomplished through referendum. Ordinance No. 08-15 is an attempt to evade this requirement. The power to appoint cannot be transferred to trustees/commissioners without referendum approval. It is important to note that both the city of Oak Lawn and Cook County have home rule authority and that home rule authority does not trump the power of the chief executive. To attempt to do so is an alteration in the form of government.

By using the term "corporate authorities" instead of "board of trustees," the trustees believe that they have the power to make appointments, but based on the case and statutory law cited above, the Mayor is responsible for the recommendation and the appointment of the bus program director and transportation coordinator. Trustees do not hold that authority.

Sincerely,

Margaret Fuller
Village President

In conjunction with this veto message, on tonight's agenda I am pulling Motion I 4 for a separate vote, where Trustee Jezierny is recommending an appointment for herself. I wanted to ask the Village Attorney, is an appointment proper to a position that does not technically exist due to my veto? **Attorney Paul Stephanides:** No it would not be Mayor because of your veto the position pursuant to the ordinance that was adopted at the last meeting does not currently exist because of your veto. **Mayor Fuller:** Can a trustee hold another office? **Attorney Paul Stephanides:** As the person stated from the Citizen Advocacy Center, there were two statutes sighted and those statutes do govern the ability of a trustee to hold two offices and pursuant to those statutes contained in the local government act of the Illinois compiled statutes the answer is no. **Mayor Fuller:** So not only did Trustee Jezierny not make the recommendation, because only the Mayor can recommend appointments, but she can't hold two offices simultaneously. If Trustee Jezierny would like to resign as trustee, then she could be considered for a bus program coordinator position.

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Additionally, Trustee Jezierny submitted to the village an expense reimbursement where she already spent the money and did not get board approved prior to spending. Village code Section 3.04.035 is very clear that trustees cannot spend over \$400 without prior board approval, but the expenses submitted by Trustee Jezierny are for \$513.43 and do not include receipts which is a violation of another code Section 2.04.090 reimbursement of expenses. *(for \$90 dollar cab rides for the bus driver to go for training, which we have to question why they couldn't drive there if that is what they do all day is drive? And a \$190 charge with no receipt.)* This is a blatant violation of village code – what shall we do about this?

On Monday, June 23, 2008, by 3rd Municipal District Cook County Circuit Court Judge Howard Fink's ruling, Trustees Arlene Jezierny's and Trustee Lester Szlendak's defamation case against me was dismissed and terminated with prejudice. The ruling by Judge Fink rejected the defamation claims filed by Village Trustees Jezierny and Szlendak, finding that the mayor could not be liable for comments made in her official capacity.

Statements and questions such as those that I made at the November 29, 2007 board meeting, regarding the integrity of the village's security system are legitimately protected, as Illinois law recognizes that executive officials must be permitted to speak freely regarding such topics without fear of politically motivated reprisal. In response to my comments, the trustees filed lawsuits against me alleging defamation. My attorney filed a motion to dismiss citing Illinois law that enables mayors and other public executive officers to comment on matters over which they have responsibility.

Trustee Szlendak filed an affidavit as requested by the judge. In his affidavit, Szlendak says and I quote from his signed and sworn to affidavit “

4. I did not hear the Mayor public accuse me personally of corruption at the Meeting, nor did I hear the Mayor accuse Trustee Arlene Jezierny (“Jezierny”) personally of corruption at the Meeting.

Judge Fink said regarding Szlendak's affidavit that “speculation or suspicion is not evidence, but the direct statement that he did not hear persons named can stand as evidence.” Jezierny failed to even submit an affidavit as requested by Judge Fink. Judge Fink concluded by saying that, “the record is clear beyond question that the statement was made by the Mayor in the context of the questions regarding the Villages' water supply and the security of the Village water plant and building.” “This court finds the statements made were absolutely privileged.”

The defense of Trustees Lester Szlendak and Arlene Jezierny's false claims against me was funded by the Village of Harwood Heights' insurance, a policy paid for by taxpayer's money. These two trustees played fast and loose with the facts and made all sorts of ridiculous allegations against me. But in a court of law, when they were subjected to the penalties of perjury and were forced, absolutely forced to tell the truth, they provided no legal argument or facts and the case was dismissed. Trustee Lester Szlendak and Trustee Arlene Jezierny should pay back the taxpayers of Harwood Heights for the cost of this politically motivated lawsuit. *(I have copies of Trustee Szlendak's sworn affidavit if anyone wishes a copy.)*

In some good news, I am ready to get healthy and fit. The Village of Harwood Heights will be participating in a program started by the City of Des Plaines Mayor Tony Arredia called “Pounds Down.” We call our program “Pounds Down Too”. This program is not focused just on weight loss, it's about wellness and getting fit; taking the necessary steps needed to live a happier and healthier life. Join us in “Pounds Down Too” by setting a health goal and sticking with it. Need motivation? Partner up with a friend or a loved one. Need encouragement? Come to our seminar given by Dr. Rick with Total Life Chiropractic on July 22, 2008 in our community room at 1:00pm. Dr. Rick's seminar will be called “Move Well, Eat Well and Think Well.” Village residents 18 and older are invited to participate in a free training class given at Bally's Total Fitness, located at 5444 Cumberland Avenue in Chicago on July 25th at 3:00pm. A photo ID must be provided along with a signed release waiver prior to class. The Ankle & Foot Podiatry Limited, located at 4612 N. Harlem, Harwood Heights, will be giving free foot screenings to our residents. Please call 867-3338 to schedule your appointment.

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Throughout the months of July and August the Village of Harwood Heights has set up free weigh-in locations, blood pressure screenings and body fat analysis. Please check our website www.harwoodheights.org for participating locations. You can register in person at the Village Hall and receive free Harwood Heights Pounds Down Too Weight Blood Pressure Activity Log Card to keep track of your success. You will automatically be entered in a drawing to receive a free Bally's Total Fitness Pass. I met with Mayor Arredia and loved their good health promotion program; they were eager to help us get off a similar program for Harwood Heights. I encourage you to take advantage of some of these offers. Everyone's health status is unique, therefore, we strongly recommend that you consult with your doctor before starting any weight loss or activity program and you can check our website for upcoming events.

Information/Technology
Trustee Dobrzycki

The report of the Information & Technology Committee; on page two of the Chicago Tribune Metro Section, July 3, 2008, a reporter Dan Mihalopoulos, reported about the cell phone ban suit that was dismissed. A federal judge has dismissed a lawsuit challenging Chicago's three year old ban on driving while using a cell phone without a hands free device. In a ruling he handed down Monday, June 30th, US District Judge Ruben Castillo wrote that "the justification for the ordinance is clearly rational; the safety of the people on the city streets." According to the Cell Phone Ordinance approved in 2005, anyone caught driving and talking on the phone within city limits faces a \$75 fine and a \$200 fine if it results in an accident. The reason why I bring this up, we've had previous discussions and debates on our adoption of the Redspeed System for our village, there were comments made that we should maybe wait on this matter concerning the suit. As seen now, the federal judge has ruled on it and I think that should alleviate many of the concerns and issues brought forth on it.

I also wanted to bring to your attention that last night on ABC network affiliate WLS TV, channel 7 reported that the City of Chicago street sweepers were now being tested and equipped with digital video cameras with a time date stamp. As they clean and sweep the streets any car that is illegally parked, meaning it should have been moved when notice was given, is photographed by the street sweeper and not utilizing police, so it further frees police to do other duties more important and pertinent to their job. The car is photographed and in a short period of time there afterwards, a couple of weeks, a ticket is mailed to the owner of the car. This may seem a little bit cruel, as you don't even know that you're being ticketed because you will no longer have a ticket posted on your car; but the City of Chicago is testing this program, so I give notice to you if you do park in the City of Chicago on any street, be aware that this program is going on and that more street sweepers are being equipped in such a manner.

Which leads me to a final point; people say technology is great. We have cell phones. We have DVD players. We have many wireless devices and so forth, digital photography. It also brings on responsibility to you knowing that if you do act against the law, now even more so than before, there are systems in place that will make sure that if you are against the law, you will be penalized for it. Such as the Redlight speed systems as well as this new system being implemented by the City of Chicago in their street sweeper program.

Forestry/Recreation
Trustee Gadzinski

Thank you Trustee Dobrzycki, I assure you that I'm not driving and using my cell phone right now.

Good evening ladies and gentlemen, and fellow board members. I hope you all had a very pleasant and safe holiday. Due to a personal matter, I am taking part of tonight's meeting by conference call. If for any reason I am disconnected I give permission in the entirety for Trustees Schuepfer and/or Jezierny to read my report that I have supplied them with prior to tonight's meeting and to continue on where I left off.

Reporting from the Forestry and Recreation committees; during the June 26th meeting I mentioned an infestation of the infamous gypsy moth that has been found in near-by surrounding suburbs. Corrected and updated information obtained from the Illinois Department of Agriculture shows the moth has settled as close to us as Park Ridge. This moth in its caterpillar stage is known to destroy trees and shrubs by eating away at their leaves and bark, stripping the plants and trees bare, leaving them vulnerable to sickness and other insects. The moth maybe close-by, but still has not infested Harwood Heights. The caterpillars usually stick together in large numbers, if anyone should notice them on their trees or shrubs please call the Village Hall and notify me directly, so I can contact the Department of Agriculture or someone can

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contact the Department of Agriculture and appropriate steps can be taken to quarantine the area and preserve the good health of our trees.

I have been contacted by many residents over the last few weeks concerning rain barrel purchases. I am commenting on this because I believe it falls under the forestry department. I had volunteered to pick up a number of these barrels from the Skokie Metropolitan Water Reclamation facility on behalf of those who had requested extra help in obtaining a rain barrel. I asked our office staff for details as to if the rain barrels were still available, where they could be picked up and how much they cost; no one was able to tell me anything pertaining to them.

So I took the matter into my own hands and notified the Metropolitan Water Reclamation District of Greater Chicago. Through an email inquiry, I was told that the Water Reclamation District has sold out of rain barrels and they are currently unavailable for purchase. The website that is used to order the rain barrels has been deactivated but will be reinstated once they receive a new supply and sales commence.

The Water Reclamation District anticipates a new shipment of rain barrels for purchase in September. I will keep everyone up to date as to any changes that may occur. If anyone should have any further questions related to the purchase of rain barrels, please feel free to contact me at the Village Hall.

The Harwood Heights Youth Commission has Great America Tickets available for purchase here at the Village Hall for \$30.89 each. This offer will be valid through September 14, 2008. For more information please call the Village Hall.

Mayor Fuller: I will add here that we do have the rain barrel information on our website, so I'll have to update that if you're telling us that they're not available right now.

Trustee Gadzinski: No Mayor, they're not available I spoke with the Director from the Department of Public Affairs, and I have an email from them and they had told me that they will not be available because they have all been purchased and they will be available probably the second or third week of September.

Public Works

Trustee Jezierny

I just want to report on the Public Works activity. Number one, the Public Works staff has been trimming trees and clearing the brush along Oak Park Avenue. This will get the area ready for school children when they start school in the fall.

Water meters are now being installed on the 7400 & 7500 blocks of Foster and Winona.

The annual Water Testing was done by our Water Commissioner, Dave Koch and Temporary Superintendent, Tom Wolfe

The Sweeper may need some repairs to the Brush that lowers and is being taken in for possible repairs on Friday

Next week Public Works is scheduled to do some Hot Patching and we'll possibly be doing the installation of the SPD Digital signal for the Water Tower as approved at a prior Board meeting.

Public Health & Safety

Trustee Mougolias

No Report - Absent

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Ordinance/License
Trustee Schuepfer

I have no report from the Ordinance & License Committee this evening; I do want to provide an update on negotiations. It's always interesting when many people attend the same meeting and walk away with different observations. I found the working meetings with the Mayor, Trustee Mougolias, as well as Attorney Margaret Kostopulos to be quite productive and professional and it's unfortunate that the Mayor perhaps lacks a standard to which she can refer when she talks about professional behavior. At the last meeting, we incorporated many observations that I'm sure were due to her review, as well as the Chief's review of the proposal. Some were very right on target and we in fact reached a compromise and hopefully we will be able to pass a proposal to ICOP on the 22nd of this month.

Finance
Sewer & Water
Trustee Szlendak

Report for the Finance Committee; the disappointing part was at the last Committee Meeting of the Whole the Mayor gave written instructions to the Chief and to our Village Accountant to not attend them; I still don't know why? I will ask them for a copy of the order so I can get more details. On July 17th, I'm going to propose a Committee of the Whole meeting for the final review of our 2008/2009 appropriation. I welcome all the trustees and of course the Mayor, and I hope some of our residents can attend and perhaps the press.

Clerk's Report
Clerk Larson

No Report

Attorney's Report

No Report

F. TRUSTEE COMMENTS

Trustee Gadzinski: Unfortunately I was unable to attend tonight's Board Meeting in person but I filled out the appropriate paperwork and forms making myself available via conference call. I also supplied the entire Board, Mayor and Clerk with copies of these forms prior to the meetings.

This was the same procedure I followed for making myself available via conference call for the Committee of the Whole meeting that was scheduled to take place yesterday July 9th.

According to Ordinance No. 06-32 restricting electronic attendance by trustees at board meetings; I was not allowed to attend due to there not being a quorum of Trustees physically present at the location of the meeting prior to establishing participation through an arranged speaker-phone. I am very happy that everything was done accordingly to what the ordinance states. Which in my opinion is proper and for once an ordinance is followed by the Mayor completely as it was written with no alterations or liberties in the last minute.

Although there was no quorum physically present, the Mayor did not even think of the idea to give me a courtesy call to let me know the status of this meeting. I was anticipating a call from the Village at 7:30pm. Not receiving a call at the scheduled time, I began to call the Village numerous times. I finally received a call from Trustee Jezierny with her own decision to notify me of the meeting being canceled due to the lack of a quorum.

What my point is ladies and gentlemen... in my opinion this is merely a further example of the poor communication skills and the disrespect that the Mayor has with fellow board members. This is unacceptable and I will not tolerate it.

Mayor, I strongly urge you to be courteous and show a little respect to the board.

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I don't know what issues you may have, but it's about time you put the residents first. Not having an open line of communication with the board, and not willing to work with the board in my opinion, disrespects us, our duties as elected officials and most importantly shows a great amount of disrespect for the citizens of our great community.

In my opinion, I strongly believe you should keep your personal vindictive reasoning and logic at home.

Mayor Fuller: Well thank you for your comments but I am not the person who runs the electronic attendance; that is handled through the Clerk. So, I didn't even have the sheets with me last night and wasn't even sure if the Clerk was coming or what, but I'll take responsibility for it, but, you know the Mayor's position is not one of, I don't know how you would call it but fine, I'll take responsibility for it.

Trustee Schuepfer: I'd like to comment on the attack that you launched against Trustee Jezierny this evening. I believe it was absolutely unwarranted and it would have been appropriate for you to have advised the Citizen Advocacy Group that when the grant form was filled out, the Mayor herself put Trustee Jezierny in that position. I was present at a meeting in which she said that and I was present during a phone call, so again, I am somewhat confused that our Mayor has had a period of enlightenment in which she now has decided to charge the trustees with inappropriate behavior. I don't know what motivates her; I think this was a very good act taken. The act itself was trying to secure the PACE bus. Trustee Jezierny did an amazing amount of work that I'm not sure that anyone of us could have done it at that rate to make sure that everything got done. Every "I" was dotted, every "T" was crossed. I do know that she made calls to the Mayor, sent emails to the Mayor about transporting our bus drivers to the testing location in Aurora; she received no response. Instead of sitting back on her thumbs, she drove the individuals; she was ill, we were attending a funeral. She made sure that our bus driver got back and forth; she made sure that our bus drivers had health certificates, that they in fact had their eyes tested. So, I'm not sure what the error was, other than you've been misinformed. Perhaps there is an error, I don't know; but the Mayor initially made the chose. Trustee Jezierny asked if a particular staff person could take on that role. I'm not sure what's going on, other than it seems to be the theme in our village that if anyone attempts to do anything good and it doesn't have the Mayor's stamp on it, than there will be hell to pay. And, thank you for your social justice actions each time you appear.

Mayor Fuller: Well obviously you're talking through hearsay because I had no conversations with you about any of this; but I have the form signed by Trustee Jezierny where she apparently paid for cabs for \$90 each way to take the bus driver for testing. None of this was approved by the board. What I am saying is that even a trustee does not have the authority to spend money without board approval.

Trustee Gadzinski: Does the Mayor have authority to write out checks for \$5,000 without board approval; if I may ask?

Mayor Fuller: Yes. But that was not spending money.

Trustee Gadzinski: Without board approval, you were spending over \$5,000.

Mayor Fuller: That was not spending money; but that's not what we're talking about.

Trustee Gadzinski: That's exactly what we're talking about.

Mayor Fuller: I'm going to disconnect you. Please, you're out of order; you're out of order, you're out of order, you're out of order, you're out of order, you're out of order; I have not given you the floor. I'm going to respond; I thanked Trustee Jezierny for bring the bus program here. I never appointed her to run the program. I did say that she was the current contact person until we could work something out. I put a motion on the agenda to create the position of Bus Program Coordinator so that I could make the appointment, but Trustee Jezierny changed the ordinance so that the Corporate Authorities could appoint her to the position and that's the problem that we have now, because that's not legal. So in the mean time I will have a staff person take care of the issues because now it's out of control. But it's nothing...

Trustee Schuepfer: I think you do owe her an apology because you in fact did place her name on that grant form as Coordinator of Transportation.

Mayor Fuller: I don't know what; you'll have to show me this grant form. We're not talking about the grant form.

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Trustee Schuepfer: No, we're talking about the PACE application. When Leandra came to visit us and we were in the Committee Meeting of the Whole and then there were documents submitted and when the request was made to you, you said that Trustee Jezierny was serving in that position.

Mayor Fuller: I said she was currently the contact person; I didn't know enough about the program...

Trustee Schuepfer: Thank you for the verbal gymnastics; but once again...

Mayor Fuller: And thank you for yours.

Trustee Schuepfer: This could have been handled...

Mayor Fuller: Thank you for yours.

Trustee Schuepfer: It could have been handled...

Mayor Fuller: This is not a debate...

Trustee Schuepfer: It could have been handled person to person instead of a personal attack.

Mayor Fuller: That's right, but Trustee Jezierny never comes to see me.

Trustee Schuepfer: Nor did you answer her calls for transportation of the drivers. And you allowed drivers...

Mayor Fuller: We're not in a debate now, you're out of order. This is trustee comments...

Trustee Schuepfer: I'm only out of order because of your inappropriate behavior.

Mayor Fuller: I think you're the inappropriate one, the board you know, continually adopts illegal ordinances and then they call me inappropriate, I'm sorry.

Trustee Szlendak: First of all I would like to add and give an explanation of why there was a \$90 charge for the cab charge for the bus driver. Arlene Jezierny attended my dad's funeral; she drove that driver in the morning to the facility, she came in joined me for the funeral, unfortunately the funeral was not over in time, therefore she asked the driver to take a taxi back to this hall.

Second of all, the Mayor made comments about the litigation. And I quote her "it was politically motivated comments." Allow me to give you a little more details on this case. I received a phone call from a local newspaper, from a reporter and he asked me about comments that the Mayor accused me of corruption. I have no idea why the Mayor accused me of corruption. I asked for the proof a number of times. The Mayor accused me of corruption, please show me the proof that I am corrupt. I have to this day, did not receive any information. The Mayor's attorney first of all went in and changed the judge. This judge made a decision that apparently the Mayor can say anything he or she wants at a board meeting. Now, the Mayor just said that the trustees should pay for legal costs incurred by the village. As I told the reporter when they called me on Monday, if the Mayor shows the proof that I am corrupt, I will gladly pay the cost. And I'm going to ask at every single board meeting for that proof so I can write a check.

Finally, my dad past away exactly two weeks ago, he lived in our town since 1972. He was always very happy with the services that the police and the village employees provided for him. I wish to thank the residents, board members and especially the Police Department for wonderful support in helping me to honor him and bury him properly.

Mayor Fuller: I do want to clear up one thing; there are three separate taxi charges, two for \$90 and one for \$85 that are two different days; so what Trustee Szlendak said was not correct.

Trustee Szlendak: I explained one of them Mayor.

Mayor Fuller: And also if the bus drivers are driving for a living, I would think they'd be able to drive themselves to the training.

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Trustee Jezierny: I just can't believe all this, this is beyond my comprehension. First of all, let me explain the expenses, which is a petty cash reimbursement. The trustees have an expense allowance up to \$400 that they can authorize. These are three different expenses on three different days. The first one is to fulfill the medical requirements of one of the bus drivers and I paid for that medical requirement only to get reimbursed by the village. That gentleman had gone all day through all the different tests and I salute him; what a trooper. I did buy him a \$10 sandwich because the poor man didn't eat all day. So that reimbursement was \$200.50. On June 30th, yes, I did take the driver to the PACE bus facility in North Aurora and that mileage was 86 miles. Once you get off the expressway, anybody living out there, there's a lot of construction going on. Once you get off the expressway you hit a detour to get back on; that reimbursement was \$43.43, tolls were \$4.50. When I got up at 4:30am in the morning, got the driver there before 7:00am, and made it back to the funeral by 8:30am. Once I was there, there was no way I could pick up the driver. I got hold of a cab service in Aurora and that cab service brought the driver back. The driver does not own a personal car, when I found out this, I emailed the Mayor on Friday and asked her, is there any way that the driver could take a vehicle or provide some transportation or a police officer to take him there and back; she never responded to me. So I had no other way to get that driver, to get through class, so that we could have a bus.

He had to go back for a second day, by this time I was sick; I had a fever and was on antibiotics and I had no other alternative but to ask for a driver. As a matter of fact, there was even a resident that's here that even offered to take the driver to Aurora; and that cab fare was \$85 there and \$90 back. So, the transportation charges are \$312; that includes my reimbursement, the two days transfer and the other was for the medical; these are on three separate days. Now, the Mayor is trying to add it all together to make it an approval. I'm not hiding anything; I did not have the receipt until I got my cancelled check back. I've asked the administration to hold up on this until I can provide the receipts. The cab fares were charged to my credit card; I am waiting for those charges to come through so I can give it to the office staff so they will have the backup and have the receipts. I don't need the reimbursement today, I don't need it tomorrow; when the receipts come I'll be happy to get it then.

Hopefully that explains it without the Mayor trying to act like I'm trying to get some money from this village; it's just a reimbursement to get our driver through class.

Regards to the lawsuit; while I respect the decision of the Courts, I am disturbed that this empowers the Mayor to just say anything she pleases no matter how untruthful, how derogatory, or how slanderous against another individual and be protected under immunity. All that is what has come out of the Court ruling. But where is the investigation that the Mayor states she wants to perform to show that I and Trustee Szlendak are corrupt. I welcome this investigation and look forward to having our names cleared. Or, was it just the Mayor's tactic to make the "headlines"? And it's unfortunate, Trustee Szlendak at a board meeting indicated the one thing that he wanted for his father on Father's Day, is to get his name cleared; his father didn't get that opportunity.

To site another example, it is very difficult when the Mayor prevents Village employees NOT to speak with Trustees or even attend their Committee meetings. But now the Mayor has empowered herself to go even further and prevent our outside Agencies from speaking with Trustees. I have had a great working relationship with the Pace Bus staff. They have been very professional, helpful and courteous not only to me but to our community in supporting our efforts to obtain a Pace vehicle. In my last few phone calls to PACE, I have learned that they can no longer do business with me and I basically think that the Mayor's charade has gone far enough.

I want to thank the support of the trustees, I know that each of us goes forward and tries to do our work and we're trying to do the best we can for this village only to always get stopped by some roadblock, always get stopped by a wall, because if it's not the Mayor's way, it's no way. We need to have leadership, not dictatorship here.

I don't need to be any coordinator, I don't need to be any director, I don't need to be any officer; all I want to do is what's right. And when I asked the Mayor who was going to be the coordinator to coordinate all these efforts with PACE, because it is required in the agreement, the Mayor said "I have nobody, I put you down for it". I go "me"; I said "don't you think it would be better to have somebody internally to do this?" "I have nobody." This is what I'm put with on our conversations. So fine, I've acted as a coordinator; we're getting our bus hopefully in about a week. They're putting the decals on it right now as we speak or this week, I think was today or yesterday and both drivers have taken their tests. Both drivers have now passed their medical, one driver went to training in North Aurora, the other drivers is going to attend the class in North Aurora on July 21st; which I have arranged to get him in that class. So by the 21st we'll have both drivers up and ready to go when this bus is ready. I think this is a good thing.

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Why, why are we slamming each other to put things going backwards? We need to move forward. It doesn't matter who does it. We just need to move forward; why are we putting walls up between us? Mayor, please, act as a leader. All I'm doing is a coordination at no charge.

Mayor Fuller: Well that's not correct. We did have a conversation similar to what you said and you said exactly what you said that you didn't think that, that it should be an employee. So that's when I drafted the ordinance to create the position and put it on the agenda.

Trustee Jezierny: No Mayor, you told me that you did not have anyone, I said fine, than I will be happy to do it.

Mayor Fuller: I'm not going to argue with you but after we had the conversation that's when I drafted the ordinance and put it on the agenda and then you changed it to be yourself; so you know, I don't know, I can't deal with it anymore, it's just ridiculous.

G. SPECIAL COMMITTEE REPORTS

H. APPOINTMENTS/REAPPOINTMENTS

I. CONSENT AGENDA

Mayor Fuller pulled item I 4 for a separate vote.

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda items: I 1-3 & I 5-8:

Trustee Szlendak pulled item I 5 for a separate vote.

Trustee Dobrzycki pulled item I 1 for a separate vote.

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda items I 2-3 & I 6-8:

2. To approve the Public Hearing Minutes held on June 26, 2008.
3. To approve the attendance of Dave Koch and George Assimakopoulos to the 77th annual Illinois Potable Water Supply Operators Assn. Conference to be held Sept. 10-12th, 2008 at \$165 each, expenses pursuant to Ordinance 99-07.
6. Transfer from Parkway General Savings Account in the amount of \$191,166.50 as they appear on check register #44936 thru #44991.
7. Transfer from Parkway General Savings Account in the amount of \$160,546.24 to Parkway Bank Payroll Account.
8. Electronic Transfer from Parkway General Savings Account in the amount of \$10,505.65 for June IMRF Pension Fund.

A roll call vote on Consent Agenda items I 2-3 & I 6- 8 resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT: Trustee Mougolias

Motion Carried

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ITEMS PULLED FROM THE CONSENT AGENDA

**Motion by Trustee Jezierny, seconded by Trustee Schuepfer on Consent Agenda item I 1:
Motion to Table by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda item I 1:**

1. To approve the regular minutes of the Board of Trustees meeting held June 26, 2008.

A roll call vote to Table Consent Agenda item I 1 resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT: Trustee Mougolias

Motion Carried

**Motion by Trustee Gadzinski, seconded by Trustee Schuepfer on Consent Agenda item I 4:
Motion to Table by Trustee Schuepfer, seconded by Trustee Szlendak on Consent Agenda item I 4:
Motion to Table Withdrawn by Trustee Schuepfer, also second by Trustee Szlendak:
Motion to Amend by Trustee Schuepfer, seconded by Trustee Szlendak on Consent Agenda item I 4:**

4. To approve the continuation of the current Bus Director and Coordinator Trustee Jezierny as the current contact for the Bus Training and Vehicle to continue until August 31, 2008 at no compensation. FY 08-09 - Recreation.

A roll call vote to Amend Consent Agenda item I 4 resulted as follows:

A YES: Trustee Gadzinski, Jezierny, Schuepfer, Szlendak

NAYS: Trustee Dobrzycki

ABSTAIN:

ABSENT: Trustee Mougolias

Motion Carried

**Motion by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda item I 5:
Motion to Table by Trustee Szlendak, seconded by Trustee Schuepfer on Consent Agenda item I 5:**

5. To approve expenditure, not to exceed **\$6,805.97**, payable to Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd., May billing, Retainer \$1,000.00 expensed to line item 11-02-00-7050, \$5,269.72 expensed to line item 11-02-00-7051 Legal Fees, \$536.25 expensed to line item 11-05-00-7031 Police Legal Fees FY 08/09 – Legal.

A roll call vote to Table for action following Closed Executive Session on Consent Agenda item I 5 resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT: Trustee Mougolias

Motion Carried

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J. NEW BUSINESS

None

K. OLD BUSINESS

None

L. CORRESPONDENCE

None

M. OTHER NEW BUSINESS

None

N. TRUSTEE COMMENTS

Trustee Gadzinski: This past Tuesday, July 8, 2008 I attended the WSSRA Regular Board Meeting. Immediately following the meeting there was a "Mini Wacky Quacky Duck Splash" and pool party at the Forest Park District Aquatic Center. The meeting was very informative; the board of directors discussed many issues and happenings with the WSSRA, and also provided updates on activities pertaining to Special Recreation. Among all the participants and families that took part of the pool party, I was happy to see some members from our community. It looked to me as if everyone was having a great time and enjoying themselves throughout the evening.

I have a number of information packets to leave at the Village Hall pertaining to information about the "Official Wacky Quacky Duck Splash" to be held on July 19th, 2008. I will do so as soon as possible.

O. EXECUTIVE SESSION

Motion to enter into Executive Session: pursuant to (5 ILCS 120/2) Sec. 2. Open meetings © Exceptions. A public body may hold closed meetings to consider the following subjects: (11) 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 Szlendak to enter into Executive Session at 9:01pm.

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

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

NAYS:

ABSTAIN:

ABSENT: Trustee Mougolias

Motion Carried

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Returned to Open Session at 9:43pm.

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda item I 5:

Motion to Amend by Trustee Dobrzycki, seconded by Trustee Szlendak on Consent Agenda item I 5:

5. To approve expenditure, not to exceed **\$6,805.97**, payable to Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd., May billing, Retainer \$1,000.00 expensed to line item 11-02-00-7050, \$5,269.72 expensed to line item 11-02-00-7051 Legal Fees, \$536.25 expensed to line item 11-05-00-7031 Police Legal Fees FY 08/09 – Legal. **(Request to obtain reports on any questionable bills from both the Village Attorney and/or Legislative Attorney)**

A roll call vote to Amend Consent Agenda item I 5 resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT: Trustee Mougolias

Motion Carried

P. ADJOURNMENT

Motion by Trustee Dobrzycki, seconded by Trustee Gadzinski 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, July 10, 2008 at 9:45pm.

Respectfully submitted,


Dianne H. Larson, Village Clerk