

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

A. **CALL TO ORDER** at 7:30 pm by Mayor Margaret P. Fuller

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL**

Mayor	Margaret P. Fuller
Clerk	Dianne H. Larson
Deputy Clerk	Marcia Pollowy
Trustees	Mark Dobrzycki Michael Gadzinski Arlene Jezierny Demetrios Mougolias Therese Schuepfer Lester Szlendak (Arrived 7:34pm)
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 will ask the board for a few more minutes, it's possible it will only be about two minutes more than the three, but since that is your instruction I feel that I should abide by it.

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

Joan White: Thank you. At the last Committee of the Whole meeting, discussion arose about the loss of Value City and how revenues for the next budget year would be adversely affected. Mayor, you proceeded to tell everyone how President Stroger and his County Board are greatly increasing all county fees to bring in more revenue and you strongly suggested to our trustees that they give consideration to raising all our own village fees to bring in additional revenue. I am wondering exactly which fees Mayor, are you suggesting to increase and by how much? Do you feel this would bring in another \$50,000 or \$100,000 in revenue? I'm sure that all residents would be interested in hearing your personal ideas on this matter.

Also, through Freedom of Information, I was able to obtain some data about what is evidently a very select, unique group of people, who receive special honors; possibly even a badge of some sort, in addition to an appointment card which identifies them as being the Mayor's private "Administrative Assistants." By name they include seven well known residents; Bill Heinzinger, Marge Naegele, Herman Wu, Tony Lostumbo, Chris Dobrzycki, Ken Havlik and Marie Majka. I do not know what qualifications are needed for these jobs, but appointments to these positions are not made at an open village board meeting, so I kind of assume they take place in a private ceremony in the Mayor's office, back there in the corner, across the way.

We do see these people working hard to support the Mayor's programs, whether it be on the Zoning Board, Plan Commission, Historical Committee or just stepping up to help when hands are needed. They sometimes write letters to newspapers, come to board meetings and even come forward at board meetings to give supporting words. This group certainly is doing a good job for you, Mayor. I do hope that you find some small way of rewarding them for all their efforts.

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One other item; Illinois State Statutes specifically require that trustees be given on a monthly basis, a complete report of revenue and expenditures for each fund, as well as report of the state of the treasury. This of course means report of cash in bank and trial balance. Harwood Heights Village Code 2.24.08 reiterates this exact requirement, naming trial balance and all other reports as being due by the 15th of each month.

Since the Mayor has acknowledged being in charge of all activities in all departments, I must ask you Mayor, "why have these reports not been given to the trustees each month and why have no copies, at all, of a trial balance been given for any day of this entire fiscal year? Even though you brought out a copy of a January 31st cash in bank report at the last board meeting, the trustees must also be told what money is owed between the funds to get a clear financial picture for any decision making about future spending.

Roy Schmidt, 4336 N. Rutherford: First, I am glad the board finally realizes that the SSA was not meant to pay for the entire Lawrence Street project. I am also glad that they have stopped repeating that they were told it was only going to cost \$3,000,000. I would like to say that not every expense for the Comprehensive Plan belongs to the SSA. The Comprehensive Plan was started as a direction for the village to improve and bring in new business and development. The SSA was an idea to help pay for part of the Comprehensive Plan as it relates to Lawrence. The SSA was developed so that part of the cost would be carried by those who had the most to gain by the improvements.

And now I am going to ask the board and residents to bear with me because I am angry. I am not angry because I have to pay a parking ticket or a water bill. I am angry that I have to take time away from my family to see what the board is up to. I cannot believe the papers or what residents are saying because so much of it is misleading. I have to come and hear for myself. And it is statements like Trustee Jezierny's that concern me. I would like to point out that at the last meeting Trustee Jezierny repeatedly said that she wanted to be fiscally responsible. I could almost trust anyone else on the board making that statement because I do not know their history but I do know Trustee Jezierny's very well. I believe it is because of Trustee Jezierny's fiscally irresponsible voting decisions that we are partly in this financial position. I would love to believe that she wants to be fiscally responsible but I can't base that on her past voting decisions. As I have said at other meetings, I am an underwriter. I look at peoples past to determine if they should be accepted or declined. I have to look at Trustee Jezierny's past and ask if what she says is believable or not. Was she fiscally responsible when she approved a no-bid contract for this Village Hall? Were you fiscally responsible when you approved the contract for the Village Hall without knowing what we were getting for that money? The board at that time had no answers. Was it your intent to only complete two-thirds of the building? Five years later and this building is only two-thirds completed. All the questions she is asking now were never asked before about the Village Hall. Now you say you want to be fiscally responsible. I wish I could believe it and stay home.

The recent sheet handed out by Trustee Szlendak shows a payment of \$74,000 from the Water Fund; it might be \$75,000. This payment is for repaving a street that cost 4 times the average because we strengthened it for trucks for the factories there. I remember being at a meeting when the funding of this street was being discussed. I was the only resident at the meeting; however, Trustee Jezierny made sure that the factories on the street knew about the meeting. Two of the companies were represented at the meeting. At the time, Trustee Fuller was trying to devise ways to have the company's help pay more for the street after all the high cost was due to their trucks. One of the representatives said they would be willing to pay extra, while another adamantly stated that we would not. Trustee Jezierny did not approve of them paying more. Guess which company was a campaign contributor? Where was your fiscal responsibility then and to whom? I have to wonder if that street would have been paid off by now.

I ask Trustee Jezierny to prove me wrong and explain her decisions. Let me go home to my family and trust the board decisions. I want to stay home. And, let me say that I do believe people can change, but they usually have to understand their mistakes first.

Barbara Schwartzer, 7425 W. Carmen: What is happening with our village government? I thought or hoped we were moving forward when some of the trustees started to agree upon moving forward with the Lawrence Avenue Streetscape. Now it seems, we moved one step forward and not just two steps back, but three or four steps back. Here we are again. The trustees wanting to override the Mayor's veto regarding their ordinances, even going against the advice of the Village Attorney.

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The Illinois State Law already has a Whistleblower Act, which was accepted by our village back in 1999. Why do they need their own version? This is a waste of time. I also don't feel they have or should have the right to change our form of government. It has always been the Mayor's job to supervise and discipline the employees.

Why don't they tend to the job they were voted to do. We are tired of the trustee's shenanigans. Get to work in finding ways to bring in new revenue, so that we residents don't lose our benefits, such as, garbage pickup, street cleaning, street repairs, etcetera. Not that we are forced to pay higher taxes to cover the lost revenues that help pay for our benefits.

Use your intelligence to help improve our village, not destroy it. I would like our trustees to list improvements they contributed to our village since they've been in office and place it on the bulletin for all the residents of Harwood Heights to see. Then maybe, we will have confidence that our trustees are working for the betterment of our village and residents.

Herman Wu, 4746 N. Odell: On tonight's agenda, there will be two motions to override the Mayor's veto. First, the Whistleblower's Act, which is in conflict with State Law and the second, giving the trustees supervisory and disciplinary powers over the employees which would be a change in the form of government. If the trustees go ahead and adopt these ordinances over the Mayor's veto and the advise of the Village Attorney, then who will protect the employees, the Mayor and the citizens of Harwood Heights from these trustees?

I would like to know who is paying the attorney for these incorrect decisions. When a state government passes a law and says that no other municipal or body shall supersede them, and it is the law; what are these trustees thinking? Are they changing our form of government to suit their own purpose? Are they going to continue to waste the citizen's time and money? Will there ever be a stop, look and listen before we make critical decisions affecting this community?

Also, Joan White, I'd like to know what secret organization that you think I belong to? I'd sure like to know about it. That's something new to me.

And what about the minutes of these meetings, the public meetings that you people hold? These minutes are supposed to be on file 10-days after these meetings and so far since May, we have not gotten anything.

E. REPORTS OF MAYOR, TRUSTEES, CLERK AND ATTORNEY

Mayor's Report
Mayor Fuller

I have some good news for Harwood Heights; the lease with the new retailer for the vacant Value City site is 90% complete. I will be able to officially release the name of the potential retailer when the lease is 100% complete. As I said at the last meeting they are hoping looking to finalize this by April 1st. The potential new retailer is looking to lease 80,000 sq ft of space in the building and there is another 19,000 sq ft available, and I have sent them some other potential occupants for the smaller site, so if you know anyone looking for that amount of space please contact me.

I received information from the Metropolitan Mayor's Caucus that the Cook County Board of Review has recently announced it will re-open the period to file property tax assessments and give taxpayers in 24 Chicago and suburban townships an additional two-week window to appeal their property tax assessments. The additional period to file complaints will be March 17-31, 2008. The affected townships include ours, Norwood Park.

I've been asked to pass this important information on to the residents and its on our web site and you can go to www.cookcountyboardofreview.com, to download the complaint form and obtain further details on this additional two-week filing opportunity. You may also call the Board of Review at 312-603-5542.

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The surveillance cameras that Chief Podosek negotiated funding for, are up and working. We are still working with Current Technologies and our IT specialist to have the cameras accessed through our website and also on our mobile data terminals for the officers; since they have been operating they have been extremely useful with recent traffic crashes at some of the intersections that have surveillance cameras we were able to send officers to the crash sights before we received calls from citizens or drivers involved; we were able to determine the extent of the damage and if there were possible injuries; on Monday we had a report of a stalled vehicle somewhere on Harlem Avenue between Foster and Gunnison; with the surveillance camera stationed at Foster and Harlem we were able to locate the stalled vehicle on Harlem Avenue assisting our officers that were responding to the call.

I am pulling Motion I 2 off the agenda for more information. And I am pulling motions I 13, 14, 15, and 16 for a separate vote.

The Public Works Department has been busy repairing pot holes and doing maintenance on all their vehicles that have had a rough winter season. They are also trimming along Oak Park Avenue for safety reasons. Another village sign was severely damaged on Harlem Avenue, but Public Works was able to repair one of the old signs and replace it, it was most likely damaged by a snow plow.

I spoke with the auditors and they should be able to complete the 4/30/07 audit sometime within the next few weeks. I am concerned about the lack of fiscal responsibility by the village for not having upgraded the accounting software; and having the same employee who enters all the data, be the same person who is expected asked to do the reporting on the data derived from of his own work. To me this is a serious accountability issue.

I have put the 2008 Committee of the Whole Meeting schedules on the web site for the rest of 2008 all meetings start 7:30 p.m. Motion I 10 requests all the Trustee Committee Chairmen to submit their meeting dates for the rest of 2008. Let's work together to keep the public informed and be fair to each other. The board adopted a Resolution to this purpose.

Motions I 8 and 9 on the agenda are authorizing the village attorney to draft ordinances that were previously given to the Ordinance Committee but nothing was returned.

Motion I 8, is to draft an Intergovernmental Agreement between the Village of Harwood Heights and Norridge Park District.

On February 8th I forwarded a memo to the Ordinance Committee from the Building Department advising that an ordinance was needed to adopt by reference the American Society of Mechanical Engineers Code and the American National Standards Code Regarding Elevator Safety to be incorporated into the Village Code. The request included that it needed to be done within 30 days. Again, no response from the Ordinance Committee! Therefore I placed motions on the agenda.

Motions I 13 and 14 for Ordinance No. 08-01 which the board is reconsidering tonight over my veto, and the advice of the Village attorney, is unconstitutional, as it seeks to alter the Village's form of government without referendum approval. In my veto message I gave case law to support that Ordinance 08-01 is designed to alter the relative powers of the legislative and executive bodies of the Village, because it usurps 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 cases Pechous and Dunne were clear - if the balance of power is sought to be changed, it must be accomplished through referendum. Ordinance 08-01 is an attempt to evade this requirement.

Ordinance 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."

So who will determine the truth? Who will protect the employees from the Trustees?

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It turns out that one of the partners in the alleged legislative counsel's law firm is an editor of the Illinois Institute of Continuing Legal Education, Municipal Law Series Volume 4; Contracts, Litigation and Home Rule 2006 Edition; Section 8.28, Home Rule's units' limitations of form of government. "Illinois courts have held that a change in the balance of powers between the executive and the legislative branches is a change in the form of government that cannot be effected without referendum approval." One of the general editors is Stuart H. Diamond from Ancil, Glink.

Trustees are reconsidering Ordinance 08-02 over my veto, and over the advice of the Village Attorney, which 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.

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. From a practical standpoint, this means that there can only be adoption of the Whistleblower Act and/or the Reward and Protection Act by reference - AND The Village has already adopted the Act by reference pursuant to Resolution 99-04, which I sponsored in 1999, titled "A Resolution Adopting the Provisions of the Illinois Whistleblower Reward and Protection Act." Ordinance No. 08-02 directly stands in direct contradiction of this. Resolution 99-04 already protects employees according to state law.

There is a whole body of laws to protect employees and the Police Department has other protections and bill of rights. So maybe the employees and the citizens need protection from trustees who adopt unfair and unconstitutional laws?

On March 29, 2008 residents in major metro areas around the world will turn off their lights for one hour to show that it's possible to take action on global warming. Chicago has been selected as the flagship region to lead the Earth Hour effort here in the United States. On behalf of Earth Hour Chicago, the metropolitan Mayors Caucus and the Village of Harwood Heights, you are invited to turn off your lights at home and in your businesses from 8:00 pm to 9:00 pm. on March 29, 2008 and make Earth Hour 2008 a truly regional and global event.

Information/Technology
Trustee Dobrzvcki

Report of the Information & Technology Committee; with concerns to some of the rumors that have been circulating, Sandra Guy of the Chicago Sun Times reported on March 11th that Bluebird Real Estate of Vernon Hills is in final stages of acquiring Maurice Lenell Cookie factory. They are the same company that also bought the Norridge Theater. In the article the reporter stated that the representative from the firm said that the theater will operate through the end of next year and that no specific time has been determined as to the operations of the Maurice Lenell Cookie factory.

The Mayor reported; I have been doing some research about the Value City lease and I was not able to come up with any information, I'm glad to hear that there's a possible tenant for that location. I also wanted to report that the City of Northlake, according to the Pioneer Press, is offering \$20,000 loans, forgivable loans, that means in the end if they meet certain requirements they don't need to be repaid for purchase of a condominium complex that the city is

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building. It seems that the market has slowed and that of the 60 units up for sale only 2 have been sold; so they're giving incentives to the employees of the city to purchase those condominiums and offering the forgivable loan.

I apologize that I just arrived yesterday from a vacation that was long with sickness, I didn't have time to prepare more information for tonight's report.

Forestry/Recreation

Trustee Gadzinski

Reporting on behalf of the Youth Commission: Dodge ball, floor hockey and gymnastics are ending next week.

Volleyball registration will be held on Tuesday March 18, 2008 here at the Village hall from 12:00 till 2pm. Volleyball will officially start on April 1st.

There are Chicago Wolves tickets still available for sale for the Sunday April 6th game. Please Contact the Village Hall during regular business hours to purchase tickets or for further information.

Just a reminder that the Youth Commission will be holding an Easter party here at the Village Hall this Saturday from 12:00pm -2:00pm. Don't forget to bring your Easter basket for the egg hunt and there will also be arts and crafts for everyone that attends. I received a call from the Easter bunny, he requested that I assist him in these spring festivities this Saturday; so I hope to see you there!

Public Works

Trustee Jezierny

Public Works has been providing service to our community and through my observations; once again, they're out there filling potholes throughout the Village. The landscaping has been trimmed along Oak Park Avenue and they're doing a lot within the garage to prepare their equipment and keep things running year after year.

IDOT has also responded to my request and has been re-filling the potholes along the State roads throughout our Village. Some areas had to be redone due to the changing weather temperatures that re-opened many of the potholes that they previously patched.

So I want to say thank you to both the Public Works team and the IDOT representatives.

There is a motion on tonight's agenda I-5 for the purchase of salt for next year. This will be appropriately expensed to next year's budget. With anticipated weather conditions, hopefully we will have a sufficient amount of salt to combat next year's winter.

And again, just as a reminder, Spring is soon approaching which means that the snow ban should and hopefully be gone, but the Street Maintenance will go into effect April 1st. So, please be sure to abide by the parking signs that are posted on each of your streets so the proper maintenance of our Village streets can be accessible to our Public Works staff.

Public Health & Safety

Trustee Mougolias

On the agenda tonight is item I 6, to approve the hiring of Samuel J. Hernandez for full time position of Communications' Officer for the Harwood Heights Police Department as recommended by Chief Martin Podosek. This position has been vacant for about six months when we appointed the Community Service Officer, Dino Giolas, he was a Communication Officer and has left that position to become the Community Service Officer. So, the Chief has interviewed many applicants and came up with this gentleman after six months and I would recommend to approve the hiring.

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Also, on item I 2, I don't know much about this item because of the fact that the Public Health & Safety Committee has been excluded from the negotiations with the police right now. I can't comment on the reasons but we have been excluded, but I was under the impression, I would like to ask the attorney, that as according to our old contract we have agreed to reimburse this legal defense plan and I was under the impression that we cannot deviate from the old contract as long as they're still in negotiations.

Attorney Paul Stephanides: That is technically correct trustee, the status quo does need to be maintained and right now the entity that has filed a petition has also intervened in this situation, so it needs further review.

Trustee Mougolias: So you are recommending not voting on this tonight?

Attorney Paul Stephanides: Right; the Mayor actually already pulled it off the agenda.

Mayor Fuller: If I could add, I already pulled it off the agenda. But if you look at the bill, it says that it's for the period of next year but then the dates on the bottom say that it was for the expired dates, so we need to clear up some of this before.

Trustee Mougolias: Ok, I'd just like to clear that up because like I said, no one had signed the note to the clerk to add it to the agenda, so I didn't know who placed it on the agenda. But, as long as you say that we can wait and look into it.

Attorney Paul Stephanides: It became a rather emergency matter so that's why it came a little bit late on the agenda.

Ordinance/License
Trustee Schuepfer

May I ask a question about the motion that you withdrew, once again related to the FOP Legal Defense Plan? I think it's very important since our officers are seeking collective bargaining, that there's a statement that this is not a retaliator act but rather an act to specifically gain information.

Mayor Fuller: We are in contact with the representation for the police officers in dealing with this.

Trustee Schuepfer: And they are aware that you're removing this from the Consent Agenda?

Mayor Fuller: Actually, they requested it.

Trustee Schuepfer: Ok, thank you. On to my report; the Mayor forwarded this week a request to the Ordinance Committee to review with a possible amendment for parking restrictions that are in affect during snow removal; so this will be on our next agenda of the Ordinance Committee.

I would also like to correct a statement that the Mayor made about item I 8, if the Mayor will review her tapes, I don't know that we have a transcript of the meetings but we in fact at the Committee of the Whole discussed the intergovernmental agreement between Norridge Park District and the village. And at the meeting in which we reached our conclusion we asked the Mayor to request that the Village Attorney in fact draft that intergovernmental agreement. And I had said that I would attempt to write the resolution.

Mayor Fuller: Well, actually I have your exact words here that you emailed me. "Are you directing the attorney to create the resolution to incorporate the code of conduct into our village code or is that something that I should attempt and then turn into you for review?" I responded and I quote "Please take care of that," and I never got anything.

Trustee Schuepfer: No, that was the resolution, but the intergovernmental agreement is what we asked you to have the attorney draft, and if you go back and listen to your tape. I was specifically asking about the resolution.

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Likewise, I have no record, but I will certainly go through my materials for I 9 with regard to the adoption of the American Society of Mechanical Engineers; so I stand to be corrected on that one.

Finance
Sewer & Water
Trustee Szlendak

For the Finance Committee; at our last board meeting you all observed the trustees trying to approve the streetscape, even though we did not have timely information on it. As you remember it, the streetscape was approved. Because we did not have the timely information, as Chairman of the Finance Committee, I called for a meeting of the Finance Committee for Tuesday, March 11th. The notice was posted on Thursday, well before the meeting and it complied with the Freedom of Information Act.

I asked our Village Accountant to attend that meeting and he said "yes" he could make it; in fact on March 11th, I double checked that he's going to be there and he said "yes." To my surprise when I arrived here about a half an hour before the meeting, I found a memo in my box stating "Pleased be advised that I directed Martin Boyd not to attend the Finance meeting tonight." Apparently Mayor Fuller choose not to call me, email me, give me a heads up that Martin's not going to be there. This is the same Mayor that repeatedly told us that she never instructed any of our employees not to speak to the trustees. Furthermore, I'm surprised that the Mayor has forgotten that our Village Code 2.12.260 describes the responsibility of the Finance Committee as follows: "The Committee shall report to the Corporate Authorities regarding the financial position of the village. The Finance Committee will work closely with the Village Accountant, Treasurer, Collector and Auditor." Likewise, in an email from our Village Attorney, Paul Stephanides, he advised me that the Finance Committee is to work closely with the Village Accountant.

The Finance Committee met on Tuesday, March 11th; on that day there was a report, Revenue & Expense Report, ending January 31, 2008 was left in our box. Interesting things basically came to the front, our revenue is quite short of the mark of what was budgeted. Now, let's remember the revenue was set, not by the trustees, not by the Finance Committee but our Village Treasurer, our Accountant and some of the input was given by our Chief. Here's some of the observations that we're looking at here; line 4006, Fines for Over weighted Trucks, the Chief gave us a budget, revenue line of \$50,000; so far, none of it was collected. Line item 4020, Building Permits, our expected revenue is \$150,000; so far, \$54,616 was collected, about \$95,000 plus change shortfall. The big one is the Real Estate Transfer Tax, originally the Treasurer said that we're going to collect 1,000,000 and then he lowered that number to \$900,000 and that's the number that we put in; so far, we have \$467, 392 collected, we are short \$432,608 with basically three months left in the year. Vehicle Impound Fees, the Chief told us that he's anticipating \$200,000 in revenue; so far, we're at \$37,500; \$162,500 short. False Alarms, the Chief told us that we can expect \$10,000; so far, none of it has been collected. Bottom line just looking at those items, we're looking at over \$750,000 in revenue, short with three months to go.

We were not able to discuss this, any of this information with our Village Accountant because the Mayor gave him a direct order not to be there. I'm concerned about the Mayor's action relative to the discussion of our village condition. The Trustees, Harwood Heights residents and of course the press can say "how bad is the village condition that the Mayor won't allow the accountant to meet with the trustees?" Is there something to hide?

To insure that no elected official, Mayor or the trustee has to make a decision in absence of timely financial reporting, I am formally requesting that by the 20th of each month, the following reports of the previous month are given to the Mayor, Trustees and Village Treasurer; cash in bank; revenue and expenditure report; trial balance for all of the funds and monthly transfer between the funds. On March 20th, the elected officials should receive these reports for February 2008.

Clerk's Report
Clerk Larson

Please note that last board meeting's consent agenda of February 28, 2008, the consent agenda was off by one number. The minutes tonight reflect the correct number sequence. Happy Easter

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Attorney's Report

Just to report to the board on my recent speaking engagements upcoming and actually in the past, I spoke at De Paul Law University earlier this month on the how two's of being a government attorney today. I spoke at the Kankakee Municipal Clerk's Association regarding Record Retention. Next week I'll be speaking at the DuPage County Bar Association regarding Parliamentary Procedures and then in May of this year I'll be speaking at a seminar on Urban Development and Redevelopment in Illinois, that's in Chicago and I will leave brochures behind in case you're interested. And in June, I'll be speaking at an NBI, National Business Institute Seminar regarding Practical Guide to Zoning and Land Use Law and that will be in Oak Brook, Illinois. So, I'll leave these brochures for you in case you want to look at them.

F. TRUSTEE COMMENTS

Trustee Jezierny: At our last Committee of the Whole meeting I had requested that all Committee of the Whole meetings to be rescheduled and posted throughout 2008. We feel that these meetings are also just as important so that each committee can than share their information with all the trustees on the board throughout the Committee of the Whole meeting. I have also submitted a listing of the dates for post dates for the Mayor and the trustees to consider and I'm happy to note that now it will be posted.

Trustee Dobrzycki: I just wanted to add to my report that the organization that has purchased Norridge Theater and is attempting to purchase Maurice Lenell, their plans for that area, unofficial as of yet, is for the development of a Costco for that area.

Mayor Fuller: I do have some comments regarding the Village Accountant. First of all, our accountant is the village's bookkeeper. He enters all the data, puts the numbers in the computer program in order to generate the reports. He does all the data entry himself. To ask the person who is entering the data to analyze the same financial data is unwise and not proper accounting standards. Not to mention how overworked the poor guy is; he works almost 10-hours a day, has had some family health concerns and he's honestly doing the best that he can. Let's put another position in the budget if we need the help.

Another good question is who will protect the employees from the trustees? For example, during last year's Finance Committee meetings, three months of meetings, seven or eight meetings, I don't know there are no minutes; all the Department Heads attended. Larry Noller originally hired as the Manager of Finance and Information/Technology, who later became the Director of Administration, attended all those meetings and provided valuable information to the committee. But then at the last Finance Committee meeting in front of all the other Department Heads, Trustee Szlendak and the Finance Committee told Larry Noller that they were eliminating his job. How do you think the other employee Department Heads felt; intimidated, scared, in fear for their jobs? One has already hired his own attorney.

At the last board meeting, Trustee Schuepfer is quoted in the paper as saying that she had to vote no on the Lawrence Avenue Streetscape Project because nobody on the board knows the state of the village finances. Well, why not? Trustee Szlendak, Jezierny and Schuepfer run the Finance Committee; they should know and if they don't, then they shouldn't have eliminated the administrative positions that could provide them with this information. Two years ago, the Mayor and the board had plenty of financial and engineering information, so much, that multiple projects were conceived and initiated and a 10-year infrastructure improvement plan was conceived. Now, suddenly we don't have enough information to even finish the project. Why? What has changed? The Finance Committee members want the Village Accountant, who enters the data, to be the same person who analyzes his own work. Let's talk about accountability here or the lack of it.

I have asked on several occasions for a schedule of meetings to no avail. So, on tonight's agenda is a motion directing the Chairman of Trustee Committee's to submit the dates for their meetings. Please provide us all with this information so we can plan ahead and get the trustees all the data that they need. The board passed a resolution to that affect months ago. The employees and I deserve fair treatment from the trustees.

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And as far as village revenue, I had some comments. As I've mentioned many times the trustees are suing a developer, there's no new permits for that property, no new sales tax for the property and also the job of the police is to protect the community, it's not to provide revenue.

G. SPECIAL COMMITTEE REPORTS

Trustee Gadzinski: As the Representative of the WSSRA for Harwood Heights, I attended a Regular board meeting on Tuesday evening at the Forest Park Recreation Center in Forest Park; we discussed upcoming events and fundraisers that will be held to raise money for this wonderful God-sent organization.

Prior to the meeting all board members attended and participated in a basketball game against the official WSSRA Bobcats basketball team. The teams were broken up into two; the board members being one and the WSSRA Bobcats being the other. There were many participants. I was happy to see two members from Harwood Heights on the team. The team played absolutely fabulously. To my surprise, this was a very fast moving game, very aggressive and very competitive. There were players shooting the ball from half court and making the basket. Let me tell you ladies and gentlemen... I would put this team up against any NCAA team in the league. Playing against them there was no match for us. Not only they were quicker at shooting the ball but they showed a great sense of teamwork-passing of the ball and their plays were a means of strategic planning.

To make a long story short... we the board members of the WSSRA put in all we had, we tried our best; we sweat from our running up and down the court and still we were unsuccessful in the end. Because of the high level of skill, I am proud to announce that the WSSRA Bobcats will be participating in the Special Olympics State Tournament in Bloomington Illinois this weekend. And I know for a fact, that if they play the way they did on Tuesday, they're going to come home with a trophy and that's a pretty good feeling.

Now a change in pace. From time to time I try to find ways to inform the general public and our residents about things happening in Cook County whether it's something to do with technology or some information that I my find important or interesting and may interest you as well.

As you may or may not know, COOK COUNTY is planning to raise the sales tax to 10.25% in November. The board has approved this increase for this year's budget. This will have a negative effect on the lives of consumers in Illinois and obviously, on retail businesses as this will make our tax the HIGHEST sales tax rate in the country.

Please take a second to call Todd Stroger's office and petition the increase on the tax!!!! You have nothing to lose except for an increase in Sales Tax in November. This is a fully automated call, I called yesterday, it was easy and it only took a minute to do.

Please call Area Code 312-603-6400 this is the direct number to Cook County President Todd Stroger.

When Connected: Press option 1, then option 2, and then VOTE AGAINST THE INCREASE BY pressing 2 on your phone.

Please pass this bit of information along to friends and family who also work or reside in Cook County. The more opposition it creates the better chance it has for being stopped. We pay enough in taxes. I truly believe it is important that we as residents, citizens of Cook County, let our voices, opinions, differences and concerns be heard.

Mayor Fuller: I do want to add to that because I'm doing the same thing this week and I actually finally got a list of how the Commissioners voted on that increase; so I do have a list of who voted for it and who didn't in case you want to contact any commissioners directly.

I also had a resident call who wanted us to cede from Cook County and I told them that we were surrounded by Cook County and it would be pretty hard because Palatine is trying to do it but they're on the border of DuPage County, so that's not an option for us; but we can contact our legislators regarding that sales tax increase.

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H. APPOINTMENTS/REAPPOINTMENTS

Motion by Trustee Dobrzycki, seconded by Trustee Mougolias

1. To concur with the Mayor's re-appointment of Andy Lamela to the Harwood Heights Police Pension Board for a term ending 4/30/09.

A roll call vote 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

2. To concur with the Mayor's re-appointment of Tim Flanigan to the Harwood Heights Police Pension Board for a term ending 4/30/09.

A roll call vote resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

I. CONSENT AGENDA

Motion I 2 Withdrawn by Mayor Fuller.

Motions I 13, I 14, I 15 & I 16 pulled by Mayor Fuller for separate vote.

Motion by Trustee Dobrzycki, seconded by Trustee Gadzinski on Consent Agenda items I 1, I 3-12 & I 17-25:

Motion I 10 pulled by Trustee Gadzinski for separate vote.

Motion by Trustee Dobrzycki, seconded by Trustee Gadzinski on Consent Agenda items I 1, I 3-9, I 11-12 & I 17-25:

1. To approve the regular minutes of the Regular Board Meeting held on Thursday, February 28, 2008.
3. To approve expenditure, not to exceed \$1,506.45, payable to HD Waterworks Supply for new meter purchases to be expensed to line item 22-00-00-6016 FY 07/08 – Water and Sewer Fund.
4. To approve expenditure, not to exceed \$1,427.50, payable to National Power Rodding Corp. for sewer cleaning to be expensed to line item 22-00-00-7070 FY 07/08 – Water and Sewer Fund.
5. To approve expenditure, not to exceed \$16,000.00 for 300 tonnage, payable to IL. Department of Central Management Services for rock salt to be expensed to line item 11-06-00-6006 FY 08/09 – Public Works.
6. To approve the hiring of Samuel J. Hernandez for full time position of Communications' Officer for the Harwood Heights Police Department as recommended by Chief Martin Podosek.
7. To approve the hiring of Carina Alvarado as part time office employee at a salary of \$10.50 hour effective March 17, 2008.

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8. To authorize the Village Attorney to draft an Intergovernmental Agreement between the Village of Harwood Heights and Norridge Park District and any required Ordinance or Resolution to incorporate the Norridge Park District Code of Conduct into the Harwood Heights Village Code.
9. To authorize the Village Attorney to draft an Ordinance regarding the Adoption by Reference of the American Society of Mechanical Engineers Code and the American National Standards Code Regarding Elevator Safety to be incorporated into the Village Code.
11. To approve expenditure, not to exceed \$840.00, payable to Carol McNamara, Gymnastic Coach for the last four sessions, to be expensed to line item 11-08-00-7033 FY 07/08 – Recreation.
12. To direct the Village Accountant to post a journal entry transferring the November attorney bill charges from Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd. from 11-02-00-7057 to 11-02-00-7051 in the amount of \$956.76 and the December billing charges from 11-02-00-7057 to 11-02-7051 in the amount of \$1,278.75.
17. To approve a Waiver of Review by the Ordinance and Legislation Committee pursuant to Section 2.12.220 of the Harwood Heights Village Code; of **Ordinance 08-03**, An Ordinance Granting a Sign Variance for the Property Commonly Known as 6764 West Forest Preserve Drive.
18. To adopt **Ordinance 08-03**, An Ordinance Granting a Sign Variance for the Property Commonly Known as 6764 West Forest Preserve Drive.
19. To approve a Waiver of Review by the Ordinance and Legislation Committee pursuant to Section 2.12.220 of the Harwood Heights Village Code; of **Ordinance -08-04**, An Ordinance Amending Ordinance 07-11. Granting a Special Use Permit for a Condominium Conversion for the Property Located at 4744 North Sayre in the Village of Harwood Heights.
20. To adopt **Ordinance 08-04**, An Ordinance Amending Ordinance 07-11, Granting a Special Use Permit for a Condominium Conversion for the Property Located at 4744 North Sayre Avenue in the Village of Harwood Heights.
21. To approve handicap parking at the address commonly known as 4548 North Newcastle Avenue and to direct Public Works to erect the sign in a timely manner.
22. To approve the kick off parade for the Harwood Heights Youth Baseball on Saturday, April 26, 2008. Parade will start at St. Rosalie parking lot at 10:30am, traveling west on Montrose Avenue to New England Avenue, right turn on New England to Carl Cassata Sr. Lane. At Carl Cassata Sr. Lane make a right turn to the black top to the Union Ridge playing field, turning left onto the black top and proceed to the playing fields, approximately 10:45am and also asking for a Police and Fire Department escort for the safety of the players.
23. Transfer from Parkway General Savings Account in the amount of \$198,654.17, as they appear on check register #44336 thru #44417.
24. Transfer from Parkway General Savings Account in the amount of \$117,421.26 to Parkway Bank Payroll Account.
25. Electronic transfer from Parkway General Savings Account in the amount of \$10,938.78 for February 2008 IMRF Pension Fund.

A roll call vote on Consent Agenda items I 1, I 3-9, I 11-12 & I 17-25 resulted as follows:

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

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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ITEM WITHDRAWN FROM THE CONSENT AGENDA

2. To approve expenditure, not to exceed \$5,122.00, payable to the FOP Legal Defense Plan, Inc. for Certificate number 031990122-A for year ended 3/1/08 to be expensed to line item 11-05-00-7034-FY 07/08- Police

ITEMS PULLED FROM THE CONSENT AGENDA

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

10. To direct the Chairman of all Trustee Committees to submit to the Clerk and the entire board a proposed schedule of the dates and times of their respective committee meetings for the remainder of 2008.

Trustee Gadzinski: The reason I pulled this is to my understanding, correct me if I'm wrong, but on the Committee of the Whole meeting on Monday we all agreed that it was more important to post Committee of the Whole meetings rather than individual Committee meetings because sometimes there's nothing to report about and sometimes we're out of season and I think that we should gather more at Committee of the Whole meetings to discuss our problems and solutions and to put all our heads together and go from there. So, that's why I want to pull that. I think we should propose dates of individual committee meetings as we go along according to the Illinois Public Meetings Act and give prior notice to the public and be able to post it for the public according to law.

Trustee Szlendak: I would like to make a motion to withdraw this item.

Mayor Fuller: You didn't put it on; you can table it.

Trustee Szlendak: No, let's take a vote.

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

A YES:

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

ABSTAIN:

ABSENT:

Motion Failed

Mayor Fuller: I certainly hope that I don't hear about giving public notice again from the trustees.

Trustee Scheupfer: Would you explain your comment to me, I'm not sure what you mean by that.

Mayor Fuller: I believe at the last meeting, if I can find the minutes, you made some comment about...

Trustee Schuepfer: We were in compliance with the ordinance on the Open Meetings Act.

Mayor Fuller: You want; you could do the same thing with the Committee of the Whole meetings, you could just call them as you see fit. We've agreed to put monthly meetings on, as a chairperson of a committee you could hold quarterly meetings, you could hold meetings bimonthly or something but at least the public would know when those meetings are. Right now, if there's an Ordinance Committee meeting, they have to call the Village Hall everyday to find out if there was one. No one would be able to know when those meetings are.

Trustee Gadzinski: Well, that's why we post them, 48-hours prior to...

Mayor Fuller: And people that want to come would have to check every single day to find out if it was posted.

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Trustee Gadzinski: Isn't that how it's been done for the last how many years?

Mayor Fuller: When I was Ordinance Chairperson I had monthly meetings scheduled.

Trustee Gadzinski: Well, we do have monthly meetings but someone took them off the calendar. We had Committee of the Whole meetings....

Mayor Fuller: I took the Committee of the Whole meetings off because you told me you wanted committee meetings.

Trustee Gadzinski: No, I didn't say anything to anyone.

Mayor Fuller: Well, the trustees said they wanted committee meetings, so that's okay, it didn't pass.

Trustee Gadzinski: I think Committee of the Whole meetings is very important to discuss issues and resolve issue and to bring issues forward so that we can move forward in this village. And if we don't talk in detail, then we set a certain date for our personal chair or personal committee.

Mayor Fuller: The motion is already been voted on, so let's move on.

Motion by Trustee Szlendak, seconded by Trustee Schuepfer on Consent Agenda item I 13:

13. Motion to reconsider the vote by which **Ordinance 08-01**, An Ordinance Concerning Supervision of Village Departments in the Village of Harwood Heights.

Trustee Schuepfer: We have a response to your veto; I would like to enter it into the minutes. The Mayor's veto message on this Ordinance is an interesting exercise of "pin the tail on the donkey." The Mayor seems to have completely misunderstood the intent of the ordinance and I've mentioned that several times, each time we've brought this forward. The reason for this ordinance is to allow any Trustee to obtain truthful information from any employee about the operations of the Village. The Mayor thinks that this ordinance changes the form of government. This is a stunning misinterpretation.

The ordinance nowhere claims that the Trustees are able to appoint any officer or employee in the Village. The cases cited by the Mayor deal only with the appointment power of the Mayor. This ordinance does not undermine or undercut the appointment power or the removal power of the Mayor for any position in the Village.

The Village Code section amended by this Ordinance already allocates to Trustees and Committees of the Board "broad supervisory authority over the works of municipal departments and agencies." The Code already instructs that Trustees and their Committees "will have a working knowledge of the personnel and procedures engaged in by its respective department or agency." The Village Code states "That Committee members may conduct frequent, on-the-spot inquiries and investigations regarding the operations of their respective departments or agencies." The ordinance adopted by the Board simply clarifies the Trustees' interaction with Village employees. The amendment makes absolutely certain that a Trustee may ask an employee a question and get a truthful answer. It makes clear that an employee will not be punished for giving a truthful answer to a Trustee's question. Nothing could be simpler. It is unbelievable that the Mayor could object to the Trustees asking Village employees direct questions and getting truthful answers. But that is what the Mayor has done by vetoing this ordinance.

Does the Mayor take the position that Trustees should not speak to Village employees? Does the Mayor believe that Village employees should be punished for telling the truth to a Trustee about the operations of their department? Does the Mayor believe that she can order all Village employees not to speak to Village Trustees? Does the Mayor believe the Trustees should vote and legislate on the affairs of the Village in the dark, without being able to speak to

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Village employees? By vetoing this ordinance, the Mayor has answered "Ayes" to each of these questions. The form of government the Mayor is attempting to assert is not democracy, it is a different form. The ordinances that the Mayor has attempted to veto to protect Village employees who report truthfully on the operations and affairs of the Village and to ensure the Trustees are able to inquire about Village operations and affairs. The Mayor obviously does not share the same interest.

I urge my fellow trustees to reconsider this Ordinance.

Mayor Fuller: Who determines the truth? Who protects the employees?

Trustee Mougolias: Mayor, I would like to ask maybe to get some clarification from the legislative counsel? Because, I was under the impression this ordinance, I voted "yes" for this ordinance because I was under the impression that it has nothing to do with changing village government. It just allows the trustees to speak with the employees. If someone is to be terminated or disciplined, that would still have to be done by the Mayor; appointment, termination or disciplined. I would believe the Mayor determines the truth because you are the person who can fire and hire in this village. So, I would ask with the approval of the board of course, but I would ask maybe could the legislative counsel explain if I was correct in my assumptions or if maybe I had a misunderstanding when I spoke to him and I might vote against it if I misunderstood him, but I believe that I understood him correctly.

Trustee Jezierny: Are you making a motion to allow the legislative counsel to speak?

Trustee Mougolias: Yes.

Motion by Trustee Mougolias, seconded by Trustee Gadzinski to allow the Legislative Counsel, Attorney Rob Bush to respond.

Mayor Fuller: I would allow the alleged Legislative Counsel to speak. There's a motion and a seconded; all in favor, all responded "yes, all opposed.

Attorney Rob Bush, Legislative Counsel for the Trustees: Rob Bush; alleged Legislative Counsel or Legislative Counsel, depending on your interpretation.

Trustee, yes, you are correct, this does not change the form of government. The cases that were cited deal only with the Mayor's power to appoint an officer and this has nothing to do with the appointment of an officer. In those cases the Village Board tried to take away from the Mayor the authority to appoint the Village Attorney and the Village Manager, both of which are officers. And the court said that because the Mayor is given by statute the authority to appoint officers, that removing that authority did change the form of government.

The Illinois Municipal Code does not give the authority to the Mayor to appoint employees. The Harwood Heights Village Code does not give the authority to the Mayor to appoint village employees, in fact, if you look at your agenda you are being called upon not to approve the appointment of the Mayor in hiring two employees, you have in fact already as the Corporate Authorities, voted to hire two individuals to serve as employees. The Mayor also does not have the authority under the Municipal Code or under your Village Code to fire any employee. So, all this does is as it's been described, authorizes any employee to speak to a trustee and a trustee to speak to an employee.

Now, the determination of the truth is I suppose dependent upon each of the employee and each of the trustees who ask the question. Now a trustee, if the trustee believes that they have not received a truthful answer does not have the authority to discipline that employee; that would then be brought to the Village Board for some consideration on how that discipline for giving a wrongful answer or untruthful answer, lying to the trustee, is going to be dealt with. So, all of this authority is granted to the Village Board by the Municipal Code and by your own Harwood Heights Code. It has nothing to do with the case incited on the change of the form of government.

Attorney Paul Stephanides: If I may Mayor, if I could respond.

Mayor Fuller: Yes, I'm asking you to respond.

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Attorney Paul Stephanides: Of course Mr. Bush and I disagree. Who supervises employees? The Mayor! Who has authority to enforce all applicable laws in the Village of Harwood Heights? The Mayor! So who is going to determine when trustees have the authority to question employees? Who is going to determine when the trustees tell the truth? These are all duties of the Mayor; this is a change in the form of government. So of course Mr. Bush and I respectfully disagree on the statements that he made to you.

A roll call vote on Consent Agenda item I 13 resulted as follows:

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

NAYS: Trustee Dobrzycki

ABSTAIN:

ABSENT:

Motion Carried

Motion by Trustee Szlendak, seconded by Trustee Schuepfer on Consent Agenda item I 14:

14. Motion to adopt **Ordinance 08-01**, An Ordinance Concerning Supervision of Village Departments notwithstanding the Mayor's veto.

Trustee Dobrzycki: First of all, I'd have to state that I've never had any problems or difficulties speaking with or asking employees questions within the present administration. Once again, I'd like to ask the Village Attorney to state his opinion to make sure that I understand once again, I have not been asked; I was not contacted or asked to reconsider my vote by any of the trustees. This is the first I heard of this statement which was read by Trustee Schuepfer, I would like to ask the other trustees if we could table this and then be presented at the committee so I can learn more about the information that was prepared by Trustee Schuepfer and read at this time. I would be more than happy to read that and if someone other than our village trustee, maybe the legislative counsel would contact me and explain it in a better form as to the objections poised by our Village Attorney.

Trustee Szlendak: Trustee Dobrzycki never had a problem.

Mayor Fuller: There's a motion to table on the floor.

Trustee Jezierny: Excuse me, but you allowed one debate, though.

Mayor Fuller: I know but after a motion to table there's no more debate. There's a motion to table, is there a second for the motion to table. No second, so it's back on the floor.

Motion to Table by Trustee Dobrzycki, no second.

Trustee Szlendak: Trustee Dobrzycki just mentioned that he never had a problem talking to one of our employees. I had a problem talking to one of our employees on March 11th, even though the employee was willing to talk to me, allocated a time to talk to me and the Mayor gave him a directive in writing that he cannot speak to me.

Trustee Dobrzycki: Not having spoken with Mr. Bush or been contacted about this issue I have to stick with the information I have and I vote "no."

A roll call vote on Consent Agenda item I 14 resulted as follows:

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

NAYS: Trustee Dobrzycki

ABSTAIN:

ABSENT:

Motion Carried

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Motion by Trustee Szlendak, seconded by Trustee Schuepfer on Consent Agenda item I 15:

15. Motion to reconsider the vote by which **Ordinance 08-02**, An Ordinance Amending title 11-Chapter 2.04 of the Code of Ordinances of the Village of Harwood Heights to Incorporate a "Whistleblower" Protection Ordinance.

Trustee Schuepfer: I have a statement. There are only a few comments necessary to respond to the Mayor's veto of this Ordinance that the Village Board adopted at its February 14th meeting. All the Mayor had to do was write on the Ordinance "I veto this ordinance" and return it to us. Instead, she commissioned the Village Attorney to put together a lengthy, convoluted memorandum explaining her ostensible reasons for vetoing this ordinance. This is a waste of taxpayers' money.

The central issue is whether the Whistleblower Reward and Protection Act, 740 ILCS 175/1, has been preempted by the State legislature. It has not been. The Mayor claims that, because a different law contains a preemption clause, that this preemption extends to an entirely separate statute. It does not. On this question, state law is clear: No law enacted after January 12, 1977, denies or limits any power or function of a home-rule unit, pursuant to paragraphs (g), (h), (i), (j) or (k) of Section 6 of Article VII of the Illinois Constitution, unless there is specific language limiting or denying the power or function and the language specifically sets forth in what manner and to what extent it is a limitation on or denial of the power or function of a home-rule unit. 5 ILCS 70/7.

There is no such preemption language in the Whistleblower Reward and Protection Act. If the legislature had intended to preempt the Whistleblower Reward and Protection Act, it would have inserted language specifically to preempt the Act and reserve the powers and functions under this Act to the State itself.

Secondly, and this is in direct response to the adjective placed before the Legislative Attorney interpreting it to be an alleged Legislative Attorney. Let's put this to rest; the Mayor's accusation that legislative counsel for the Village Trustees was illegally hired. If the Mayor and the Village Attorney really believe that Village Trustees cannot retain independent legal counsel, they must read Sampson v. Graves, 304 Ill.App.3d 961, 711 N.E.2d 1118 (1st Dist. 1999). That case clearly holds that Trustees can retain independent counsel to advise them on legislative matters.

Finally, the Mayor complains that the Whistleblower Ordinance was adopted without review by the Ordinance and Legislation Committee. However, the Village Code section governing this procedural matter states "unless such review shall be waived by a vote of the Board." Clearly, the Trustees waived, by their vote, a review of this ordinance by the Ordinance and Legislation Committee. To insist otherwise is to exalt form over substance. Similarly, the Mayor complains that the Village Attorney should have drafted this ordinance as the Village Code purportedly states. It seems clear that the Village Attorney does not draft any ordinances requested by certain Village Trustees and not approved by the Mayor. That is why we have retained independent counsel for independent advice.

I urge the other trustees to reconsider the adoption of this Ordinance.

Mayor Fuller: Some of this stuff is just so unbelievable; I can't believe that, the things being said. It seems like the trustees like to make up their own rules because when I put an ordinance on the agenda, I think it was back in July, they took it off and they said it hadn't gone to the Ordinance Committee and it had to go to the Ordinance Committee. That was their reason for not voting on my ordinance. But now, they hire legislative counsel by an ordinance that didn't go to the Ordinance Committee, but that's okay because they play by their rules and that's how this village is run. That's a real shame.

Trustee Dobrzycki: Trustee Schuepfer, did you prepare the statement in its entirety that you just read yourself?

Trustee Schuepfer: It was under consultation.

Trustee Dobrzycki: Second question focused toward the Village Attorney. Does your opinion change with the statement that was prepared and read by Trustee Schuepfer?

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Attorney Paul Stephanides: Not one iota trustee, as a matter of fact it strengthens my statement. The ordinance before you directly touches upon matters that are related to the Whistleblower Act which was cited in the Mayor's veto and which preemption directly applies, the Mayor read the preemption language earlier tonight to you and it does not change my opinion one iota. And as you can see on your own agenda tonight there is specific language on your agenda about how waiver of review of an ordinance and legislation committee should take place; that was not done in this case, so it just further strengthens my opinion.

Trustee Dobrzycki: One last question. I take it that you still believe that this is unconstitutional according to the Constitution of the State of Illinois and that it is illegal?

Attorney Paul Stephanides: Without a doubt, yes.

Trustee Dobrzycki: I'd like to just add that I was not contacted or asked by any of the other trustees to reconsider my vote, nor was I contacted by the legislative counsel for any reason to once again, reconsider my vote. Knowing what my vote was previously and what my opinion is based on the information the Village Attorney whom I've gotten to know and trust. I do not know Mr. Bush and I hope that in the future the other trustees would contact me if this is so important or that the legislative counsel, contact me and inform me of what his opinion is on this issue.

A roll call vote on Consent Agenda item I 15 resulted as follows:

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

NAYS: Trustee Dobrzycki

ABSTAIN:

ABSENT:

Motion Carried

Motion by Trustee Szlendak, seconded by Trustee Schuepfer on Consent Agenda item I 16:

16. Motion to adopt **Ordinance 08-02**, An Ordinance Amending Title 11-Chapter 2.04 of the Code of Ordinances of the Village of Harwood Heights to Incorporate a "Whistleblower" Protection Ordinance.

Trustee Dobrzycki: I just wanted to reiterate based on the information that was provided to me and the judgment of our Village Attorney, I do not want to be in violation of the Illinois Constitution and I do not want to do what is considered to be illegal; therefore, my vote will be "no."

A roll call vote on Consent Agenda item I 16 resulted as follows:

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

NAYS: Trustee Dobrzycki

ABSTAIN:

ABSENT:

Motion Carried

J. NEW BUSINESS

None

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K. OLD BUSINESS

None

L. CORRESPONDENCE

None

M. OTHER NEW BUSINESS

None

N. TRUSTEE COMMENTS

Trustee Szlendak: What I would like to do is update the board and the village on my attempt to clear my name of the alleged corruption that the Mayor alleged and said against me. There was a hearing in court but instead of presentation of the evidence of my corruption, the attorney representing the Mayor asked for a change of a judge, which they got and the case is postponed for a hearing in front of a new judge.

Trustee Schuepfer: I'd also like to give an update that applies specifically to me. On January 24th, during the regularly scheduled board meeting, Chief Podosek issued a public safety alert. A newly registered sex offender had come into the village as of January 15th. The Chief provided the relevant details such as the name, physical description and the address of the individual. Imagine my surprise to hear my address accompanied by the realization that the Chief as well as the Mayor knew about the sexual offender for a week before they chose to issue an alert. I can only imagine their conversation, should we tell the trustee so she can address the situation immediately or wait a week and savor the effect of a political "gotcha" at the next meeting. Shouldn't their primary concern be the safety of the residents?

After the meeting I went to the Chief to learn what he knew about the individual and to seek his professional advice about how to address the situation. He repeated the information he announced at the meeting and told me to consult with my attorney.

The next day, I spoke to the individual identified as a sexual offender and asked him to move. He complied and left Harwood Heights within three weeks of the Chief's public announcement. As a registered sex offender, he is required to notify the police when he moves in or out of a town. I understand that this individual not only advised the Harwood Heights police when he moved into the village but also notified the Harwood Heights police when he terminated his rental agreement and left the village.

The individual left Harwood Heights a month ago and at the last two board meetings and even at this meeting, there was no announcement that this public safety alert was no longer current. In fact, the information about this individual was only recently removed from the Harwood Heights website.

As evidenced at the February 14th board meeting, residents were concerned; why then, did the Chief not issue an announcement that the individual was no longer in residence? What did I learn from this situation; I learned sexual offenders are not required to reveal their status to potential landlords, they are only required to register with the police. We were lucky, we were lucky in the village. This individual complied with the law and his location was known. More importantly, I learned that many sexual offenders are not compliant with the reporting requirement and their whereabouts are unknown. I've read that the noncompliance rate for reporting location can range as high as 15-20%. The question I have now, we have no registered sex offenders in the village, no one appears on the

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

webpage, but can we assure the public that everything has been done so that no non-compliant offender is living in our village?

Mayor Fuller: I have one comment there because she's talking about some conversation that she thinks I had and I'd like to know Trustee Schuepfer, do you have my office bugged? My phones bugged? That you would know what private conversations I would have with someone? That you can speak on a conversation that I might have had?

Trustee Schuepfer: I said "imagine." I said I can only imagine.

Mayor Fuller: That's not what it sounded like.

Trustee Schuepfer: Would you like my text?

Mayor Fuller: No, but I'm going to check out my office and phones.

Trustee Schuepfer: Okay.

Trustee Gadzinski: At taxpayer's expense.

Mayor Fuller: No, I don't think so.

Trustee Dobrzycki: I just wanted to mention the fact that one of the Sister Cities, Dzierzoniow, is celebrating its 750th Anniversary of City Rights later this year and I was contacted by the Mayor's secretary from Poland, saying that if we do become Sister Cities, they would be more than happy to invite all of the members of the board and the residents of Harwood Heights to their town to come celebrate that anniversary. It only comes around once every 750-years.

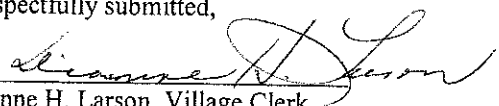
I would like to conclude with this statement; "I would hope that my opinion and vote is important not only to this board but to all the residents. I would like to be informed and kept up to date with the different events, ordinances and proposals that are being presented for votes. I would also hope that when I request to table an item for more information, just as I have agreed with others when motions have been asked to be tabled and I voted in the affirmative so we could get that information, that when I make that request that it so be respected and honored as well."

O. EXECUTIVE SESSION

P. ADJOURNMENT

Motion by Trustee Dobrzycki, seconded by Trustee Szlendak to adjourn. On a voice vote, all being in favor, the motion carried and the Regular Meeting of the Board of Trustees of the Village of Harwood Heights was adjourned by Mayor Margaret P. Fuller on Thursday, March 13, 2008 at 8:57pm.

Respectfully submitted,


Dianne H. Larson, Village Clerk