MINUTES

VILLAGE OF LA GRANGE
BOARD OF TRUSTEES REGULAR MEETING
Village Hall Auditorium
53 South La Grange Road
La Grange, IL 60525

Monday, September 10, 2012 - 7:30 p.m.

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

The Board of Trustees of the Village of La Grange regular meeting was called to order at 7:33 p.m. by President Asperger. On roll call, as read by Village Clerk Thomas Morsch, the following were present:

PRESENT: Trustees Holder, Horvath, Kuchler, Langan, Nowak and Palermo

ABSENT: None

OTHERS: Village Manager Robert Pilipiszyn
Assistant Village Manager Andrianna Peterson
Village Attorney Mark Burkland
Finance Director Lou Cipparrone
Community Development Director Patrick Benjamin
Assistant Community Development Director / Planner Angela Mesaros
Public Works Director Ryan Gillingham
Fire Chief William Bryzgalski
Police Chief Michael Holub

President Asperger requested Clerk Morsch to lead the Board and audience in the Pledge of Allegiance.

2. PRESIDENT'S REPORT

A. Oath of Office – Patrol Officer Kevin Comstock

With recent resignations in the La Grange Police Department, two vacancies were created and the La Grange Board of Fire and Police Commissioners have appointed Kevin Comstock to fill one of the positions of Police Officer which became effective August 4, 2012. President Asperger noted that Kevin had been enrolled in basic recruitment academy through another agency however a decision was made to accept the Village's offer, thus he completed the academy as a La Grange Police Officer. Noting his experience, President Asperger requested he come forward to receive the oath of office. Village Clerk Morsch invited Mr. Comstock's family join him as he administered the oath.

B. Oath of Office – Patrol Officer Timothy Andries

With recent resignations in the La Grange Police Department, two vacancies were created and the La Grange Board of Fire and Police Commissioners have appointed Timothy Andries to fill the other position of Police Officer. President Asperger noted his background and experience and invited him to come forward to receive the oath of office. Village Clerk Morsch requested Mr. Andrie's family join him as he administered the oath.

C. Appointments and Reappointments – Advisory Boards and Commissions

President Asperger recommended the appointments and re-appointments of the following: Wayne Vantluka who resides at 219 N. Stone Avenue to serve on the Board of Fire and Police Commission until 2015; Steve Palmer who resides at 1010 – 41st Street, Mark Reich who resides at 210 S. Park Road, and Elizabeth Stiles who resides at 610 S. Sixth Avenue to serve on the Community and Economic Development Commission until 2015; Michael Thuma who resides at 816 S. Spring Avenue to serve on the Design Review Commission until 2015; William Holder who resides at 611 S. Waiola to serve on the Emergency Telephone System Board until 2013; Patty Weber who resides at 442 S. Catherine Avenue and F. Peter Grabek who resides at 415 S. Edgewood Avenue to serve on the Environmental Quality Control Commission until 2015; Colin Robertson who resides at 344 S. Stone Avenue to serve on the Firemen's Pension Board until 2015; Tom Williams who resides at 315 S. Peck Avenue and Laura Weyrauch who resides at 312 S. Madison Avenue to serve on the Plan Commission until 2015; and Colin Robertson who resides at 344 S. Stone Avenue to serve on the Police Pension Board until 2014.

Trustee Langan moved to approve the appointments and re-appointments as noted, seconded by Trustee Palermo. Motion approved by voice vote.

Trustee Langan expressed his thanks to all who volunteer their time to serve on the various boards and commissions.

D. Appointments – Village Officials

President Asperger indicated that in accordance with various sections of the Municipal Code, it is necessary to appoint individuals for the positions of Village Attorney, Village Prosecutor, Village Treasurer, and Village Collector. President Asperger requested approval to the appointments of Holland & Knight as Village Attorney; John M. Kenney, Jr. as Village Prosecutor; and Louis Cipparrone as Village Treasurer and Village Collector. Trustee Langan moved to approve the appointments of Village Officials, seconded by Trustee Nowak. Motion approved by voice vote.

E. Trustee Assignments

President Asperger explained that in addition to their regular duties, Village Trustees are also assigned the responsibility for presenting items at Village Board meetings and serve as liaisons between the Village Board and its various advisory boards and commissions. The responsibilities for Board Presentation as assigned by President Asperger are:

Community Relations	-	Trustee Palermo
Economic Development	-	Trustee Holder
Finance	-	Trustee Langan
Intergovernmental Relations	-	Village President
Planning and Zoning	-	Trustee Nowak
Public Safety	-	Trustee Kuchler
Public Works	-	Trustee Horvath

Liaison assignments as assigned by President Asperger are Community and Economic Development Commission, Trustee Holder; Design Review Commission, Trustee Kuchler; Environmental Quality Control Commission, Trustee Horvath; Plan Commission, Trustee Langan and Nowak; and Zoning Board of Appeals, Trustee Palermo.

It was moved by Trustee Holder to approve the Trustee assignments, seconded by Trustee Langan. Motion approved by voice vote.

President Asperger announced that the Robert E. Coulter Jr. American Legion Post would conduct a September 11 - Commemorative Ceremony tomorrow at 8 a.m. to honor those fallen heroes.

President Asperger commented on special events including the "Hour Town" clock auction which generated approximately $8,500 for local charities; the 21st Annual Race Unity Rally featuring a performance by LeaderShop's "Watch My Feet" dancers; and the upcoming Evening of Art and Jazz in conjunction with the West End Art Festival.

Inviting residents to attend upcoming Town Meetings, President Asperger noted the first in a series of three will be held at Seventh Avenue School on September 24, 2012.

Lastly, President Asperger expressed congratulations to Assistant Village Manager Andrianna Peterson who was honored by the League of Women Voters as a "Person of Impact". Chief Executive Officer of the Better Government Association, Andy Shaw as a government watch dog noted that La Grange is a Village that does it right.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

Mr. Fornaro noted he represents the petitioner Dajana Spasojevic in her request for a variation of maximum building coverage in order to construct an in ground swimming

pool. Although the Zoning Board of Appeals denied the request, there were three members absent and the petitioner is hoping the Village Board will support it.

4. OMNIBUS AGENDA AND VOTE

A. Ordinance (#O-12-25) – Special Use/Site Plan Approval & Design Review to Allow Child Day Care Services/Little People's Country, in the C-2 West End Commercial District, 201-211 W. Hillgrove

B. (Moved to Current Business for further discussion.)

C. Award of Contract – 2012 & 2013 Tree Trimming Program

D. Minutes of the Village of La Grange Board of Trustees Regular Meeting Monday, August 27, 2012

E. Consolidated Voucher 120910 – ($680,895.87)

Clerk Morsch indicated that Trustee Kuchler has requested item 4-B be removed from the Omnibus Agenda and placed under Current Business for further discussion.

It was moved by Trustee Langan to approve items A, C, D, and E of the Omnibus Agenda, seconded by Trustee Holder.

Trustee Horvath noted that with upcoming budget discussions it is important that the tree trimming program stay within budgeted limits.

Trustee Holder inquired about the replacement of trees due to the Emerald Ash Borer. Public Works Director Ryan Gillingham responded that currently the program is within budgetary parameters however it continues to be evaluated.

Approved by roll call vote.

Ayes: Trustees Holder, Horvath, Kuchler, Langan, Nowak and Palermo
Nays: None
Absent: None

5. CURRENT BUSINESS

4B. Request to Purchase – Police Department / Replacement of Squad Cars

Trustee Kuchler explained that the purchase of replacement squad cars for the Police Department was tabled by the Village Board in May in order to further discuss budget amendments. Thereafter staff was directed to replace the squad cars within the current fiscal year; amend the adopted budget to reflect increased repairs until replacement; and replace squad cars on a three-year cycle.

Trustee Kuchler noted that the previous Chevrolet Caprice is no longer available however the Ford Taurus is an alternative police package. Although the Ford Taurus is not available through the state purchasing contract, Trustee Kuchler detailed the cost comparison noting the Ford Taurus being less than the previous Chevrolet Caprice.

Due to limited fleet purchasing options, Trustee Kuchler added that the Ford Taurus is adaptable to the installation of the new digital recording cameras and currently available at Westfield Ford of Countryside.

Trustee Langan moved to waive the formal bidding process and authorize staff to negotiate the purchase of six replacement squad cars for the Police Department from Westfield Ford in Countryside, Illinois in an amount not to exceed $150,000, seconded by Trustee Holder.

Trustee Kuchler expressed concerns in waiving the formal bidding process. Trustee Kuchler believes that bids should be submitted and the Village should utilize the lowest bidder.

Trustee Holder inquired about fleet pricing; standard warranty; and model year. Police Chief Holub responded the fleet pricing for the 2013 model includes the standard warranty.

Trustee Horvath noted his favor that Fords are made in Illinois, and concurs with Trustee Kuchler that the Village should solicit bids from multiple dealers.

Trustee Palermo inquired why the Ford was not previously considered. Police Chief Holub responded that it was not available within the state purchasing contract. Trustee Palermo noted utilization of vehicles for longevity. Police Chief Holub indicated that costs related to routine maintenance and repairs are not covered under the vehicles warranties.

Trustee Langan supports the request to purchase replacement Police squad cars from Westfield Ford.

Trustee Nowak is inclined to support the request to purchase the Ford Taurus as the cost defeats the previous state purchase program pricing and delaying the purchase could incur additional costs for repairs.

Trustee Kuchler does not wish to waive the formal bidding process and feels there is no reason not to get bids in order to ensure that the Village is getting the best price.

Motion failed by a 4 to 2 roll call vote.

Ayes: Trustees Nowak and Langan

Nays: Trustees Kuchler, Palermo, Holder, and Horvath
Absent: None

Trustee Palermo inquired about the formal bid process and Finance Director Lou Cipparrone explained the specifics including notification of advertising in a newspaper and submission of written bids.

President Asperger noted that the Board was provided with information that Police Chief Holub had performed his due diligence by contacting three other car dealerships.

Although the current three-year replacement of squad cars is in place, Trustee Palermo feels the need to maintain the cars for a longer period of time.

A. Ordinance – Variation – Maximum Building Coverage / Dajana Spasojevic, 850 S. 10th Avenue: Referred to Trustee Langan

Trustee Langan explained that the owner of the property has applied for a variation for maximum building coverage requirements to construct an in-ground swimming pool. Noting the details of the application, Trustee Langan indicated the requested variation falls within the authorized limits of the Zoning Code.

The Zoning Board of Appeals held a Public Hearing on July 19, 2012 whereby the petitioner presented their application. Trustee Langan provided the details of the public hearing which concluded with a motion to recommend that the variation be granted as requested failed. Pursuant to code at least four aye votes are required to decide in favor of any application. The vote was two ayes; two nays; and three commissioners were absent. Trustee Langan provided reasons given by the commissioners for the favorable votes as well as those in opposition.

Trustee Langan indicated that part of the difficulty the Zoning Board of Appeals faced was in addressing an in-ground pool as a "substantial right" as no previous precedent has been set.

Trustee Langan added that in accordance with State Statute, the approval of any proposed variation which fails to receive the approval of the Zoning Board of Appeals will not be passed except by the favorable vote of two-thirds majority vote by roll call of all Trustees (four out of six Trustees) currently holding office.

Trustee Langan moved to approve the variation of maximum building coverage for Dajana Spasojevic of 850 S. 10th Avenue, seconded by Trustee Horvath.

Discussion ensued whether the petitioner should have filed for a text amendment and whether an appeal should have been filed with the Village Manager. Village Attorney Burkland noted that the item before the Board is making a determination as to whether the application should be approved.

Trustee Horvath noted he will be voting in favor of the variation.

Trustees Nowak, Kuchler, and Holder concur that they find it difficult to support or deny the request.

Trustee Nowak noted the absence of three members at the Zoning Board of Appeals and inquired if it could be remanded back. Village Attorney Burkland responded negatively however advised the option for a continuance.

It was moved by Trustee Horvath to amend the motion to approve the variation and table the item until the next meeting on September 24, 2012, seconded by Trustee Holder.

Motion approved to table for continuance by a 5 to 1 vote.

Ayes: Trustees Horvath, Palermo, Holder, Nowak and Kuchler
Nays: Trustee Langan
Absent: None

B. Ordinance (#O-12-27) – Issuance of $2.2 Million General Obligation Alternate Revenue Bonds For Water System Improvements: Referred to Trustee Nowak

Trustee Nowak provided information on the implementation of a water meter replacement program to address water accountability and improvements to the water pumping station. Explaining previous discussions related to the details and funding, Trustee Nowak indicated that the operating budget reflects the issuance of a general obligation, alternate revenue bond for funding.

Trustee Nowak added that Kane, McKenna, Capital, Inc. was approved as financial advisors and Chapman and Cutler LLP as bond counsel. Trustee Nowak explained the process, public hearing, and applicable state statutes with which the Village complied in preparation for the issuance of the $2.2 million Alternate Revenue Water Bonds, Series 2012A.

The Village requested a meeting with Moody's Investors Services in order to obtain a current bond rating. The outcome of the meeting was favorable and Moody's assigned an Aa2 rating to the Village of La Grange and a stable credit outlook.

Trustee Nowak noted that the Village's financial advisor, Mr. Phil McKenna is in attendance to provide the outcome of the electronic on-line bidding process for the alternate revenue water bonds.

Additionally Trustee Nowak noted that the Village has the authority to issue up to $10 million of bank qualified, tax exempt bonds within a calendar year and as such, the previous issuance of the $6.2 million Library refunding bonds did not create any

conflicts with the timing and issuance of the $2.2 million alternate revenue bonds for the water system improvements.

Trustee Nowak moved to adopt an ordinance authorizing the issuance of $2,200,000 General Obligation, Alternate Revenue Water Bonds Series 2012A, seconded by Trustee Langan.

The Village's Financial Advisor Mr. Phil McKenna indicated that the lowest bid was from Janney Montgomery Scott, an underwriting investment firm in Pennsylvania with an average yield of 2.40%. Mr. McKenna noted that upon Board approval the closing would take place on September 25, 2012.

Trustee Holder inquired of the projected savings for the duration of the bonds and Mr. McKenna indicated approximately $40,000 less than was anticipated.

Trustee Kuchler is appreciative of the savings and efforts of fiscal management however as in the past his vote will remain nay to the bonding.

Trustee Horvath indicated his vote in the past has also been nay however is hopeful that tax payers will incur savings over the long term.

Motion approved by a 4 to 3 vote.

Ayes: Trustees Langan, Holder, Nowak and President Asperger
Nays: Trustees Kuchler, Horvath and Palermo
Absent: None

6. MANAGER'S REPORT

A. Pre-Budget Development Workshop.

Village Manager Robert Pilipiszyn noted previous concerns expressed by the Board regarding financial sustainability of the General Fund over the long term. Specifically operating expenses exceeding the Consumer Price Index which caps the percentage increase in the Village's annual property tax levy. Trustees have also commented on other elements of funding, expenses, and revenues.

Mr. Pilipiszyn detailed the budget development process and explained that the scheduled increase in the utility tax for implementation next fiscal year will maintain operations and add to surpluses for the five-year financial plan. If the utility tax is not implemented as hoped the result will be a deficit in the General Fund.

The Village Board has expressed a desire to remain abreast of budgetary issues through discussions in a series of pre-budget development workshops. Mr. Pilipiszyn noted that workshops will be conducted in the months of October, November, and

December for discussions regarding revenues, expenditures, and direction to staff in planning for the FY 2013-14 Village Budget.

Mr. Pilipiszyn requested confirmation or clarification from the Board on the process outlined.

President Asperger invited the Board to add any of their thoughts or comments. President Asperger and the Board were in agreement with the Village Manager's approach of taking portions of the budget process and utilizing his format.

B. Discussion of Personnel Practices

President Asperger requested Village Attorney Mark Burkland to provide information concerning the source and scope of the Village Manager's authority over personnel matters.

Attorney Burkland referenced the Village Code and Illinois Municipal Code as it relates to the roles and responsibilities of the Village Manager and Village Board of Trustees. Differentiating in the policy and legislative authority of the Village Board and the authority vested in the Village Manager, Attorney Burkland detailed responsibilities. The Village Board is limited to performing legislative and policy-making duties such as adopting ordinances and resolutions. The Village President performs those duties and has the added responsibilities of appointing officers, the ability to make assignments, and the power to examine all Village records. The Village Manager is responsible for day-to-day operations of the Village which includes the ability to hire, discipline and discharge employees.

Village Manager Pilipiszyn noted that this broad authority is defined as the Village's Personnel function and it is largely administered through the Village Manager's office. The organizational role of the Village Manager's office is to: set personnel policies; guide personnel management practices and decisions across all Village departments; and to ensure compliance with numerous and complex labor, employment, and occupational health and safety statutes. Mr. Pilipiszyn itemized the process by which difficult personnel situations are handled including the use of good judgment as to what is in the best interest of the Village. Mr. Pilipiszyn described the limitations of his authority and the system of checks and balances at the operational level concerning his conduct. Finally, Mr. Pilipiszyn described how and when he reports personnel matters to the Village Board, and circumstances in which the Village Manager seeks Village Board input and support in personnel matters.

President Asperger added that personnel matters are sensitive and confidentially is critical.

Trustee Holder inquired if the Village Attorney is the only legal counsel utilized. Attorney Burkland responded negatively and noted that labor counsel and the Intergovernmental Risk Management Agency (IRMA) are also used for consultation.

Trustee Horvath noted his method in obtaining an employee separation agreement through the Freedom of Information and appeal process to the Illinois Attorney General. Trustee Horvath believes that more transparency is necessary and changes in communication to the Village Board are needed.

President Asperger attempted to clarify the issues in responsibility as applied to the Village Manager's decision making on personnel matters and re-stated the framework of the policy discussion.

Trustee Kuchler believes the Board should be advised of the key components of employment agreements.

President Asperger noted the Village Board was advised of the facts surrounding the confidential personnel matter.

Trustee Langan noted the Board's responsibility to review the Village Manager's performance and the Village Manager's authority to manage personnel. Trustee Langan believes the Manager has performed appropriately and does not feel changes are necessary.

Trustee Palermo does not believe he has been given recent opportunity to review the Manager's performance. President Asperger noted her openness for the Board to provide her with comments at any time.

Trustee Nowak stated that while the Village is better served by allowing personnel decisions to be made by staff as a practice, he is also supportive that the Board should be advised of key personnel matters.

Trustee Holder believes that there is no reason to change the current division of responsibility, authority or practices.

Trustee Horvath believes the Board should oversee any agreements which have a financial impact. Trustee Palermo concurs and feels there is a needed change in policy.

In summarizing the Village Board's policy discussion, President Asperger indicated that it was the consensus direction of the Village Board for the Village Manager to continue to share the key elements of significant personnel decisions and that no alternation as to existing policies, procedures, or authority is mandated.

7. PUBLIC COMMENTS REGARDING MATTERS NOT ON AGENDA

None

8. EXECUTIVE SESSION

9 TRUSTEE COMMENTS

Trustee Holder provided information on Lyons Township High School's efforts to support the wounded warrior program. Trustee Holder also noted the high degree of student achievement.

10. ADJOURNMENT

At 11:10 p.m. Trustee Langan moved to adjourn, seconded by Trustee Horvath. Approved by voice vote.

Elizabeth M. Asperger, Village President

ATTEST:

Thomas Morsch, Village Clerk

Approved Date: September 24, 2012

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