

**A REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF BOLINGBROOK – MAY 8, 2012**

CALL TO ORDER

The Regular Meeting of the Mayor and Board of Trustees of the Village of Bolingbrook was called to order at the hour of 8:03 p.m., May 8, 2012, in Bolingbrook, Illinois, by Mayor Roger C. Claar.

PLEDGE OF ALLEGIANCE

Mayor Roger C. Claar requested that members of VFW Post #5917 in attendance lead the Pledge of Allegiance to the Flag.

ROLL CALL

Village Clerk, Carol S. Penning, called the roll. Present were: Mayor Roger C. Claar, Trustees Leroy J. Brown, Michael T. Lawler, Rick Morales, Sandra S. Swinkunas, and Patricia Schanks

Absent: Joseph B. Morelli

Also present were: Village Clerk – Carol S. Penning, Village Attorney - James Boan, Police Chief - Kevin McCarthy, Fire Chief - David Litton, Director of Community Development - Dennis Kowalczyk, Director of Public Works – Mike Drey and Information Technology Director – Brenda Ladipo

Absent: Finance Director – Rosa Cojulun

Representing the press: Joseph Ruzich - Tribune Local
Suburban Life

JOURNAL OF PROCEEDINGS

Motion Brown, second Swinkunas to approve the minutes of the April 23, 2012, Village Board meeting submitted by the Village Clerk.

Voice vote. Motion carried.

APPROVAL OF AGENDA/ADDITIONS

There were no additions or corrections to the agenda.

Motion Morales, second Schanks to approve the original agenda.

VOICE VOTE. MOTION CARRIED.

APPROVAL OF APPOINTMENTS

None

PROCLAMATIONS

POPPY DAYS, MAY 18 - 20, 2012: Mayor Claar proclaimed May 18th through May 20th, 2012, POPPY DAYS in Bolingbrook and urged citizens to recognize the merits of this cause by contributing generously to its support through the purchase of poppies and to wear a Buddy Poppy to signify gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens. George Foy, Commander of Bolingbrook VFW Post 5917, accepted the proclamation.

NATIONAL POLICE WEEK, MAY 13 - MAY 19, 2012: Mayor Claar proclaimed May 13th through May 19th, 2012, NATIONAL POLICE WEEK and urged citizens to especially honor and show our sincere appreciation for the Police Officers of Bolingbrook by deed, remark and attitude. The proclamation asked all residents to make every effort to express their thanks to our men and women who make it possible for us to leave our homes and families in safety each day and return knowing they are protected by men and women willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all who would violate the law. Police Chief Kevin McCarthy accepted the proclamation. It was noted that Village Hall flags will be lowered on May 15th in honor of Police Memorial Day.

NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE, MAY 12, 2012: Mayor Claar proclaimed May 12th NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE day and asked residents to support this worthy event and leave perishable food items by their mailboxes for postal carriers to pick up and deliver to the DuPage Township Food Pantry. Nancy Beran, Retired Letter Carrier and Food Drive Coordinator, Shirley Grzenia, DuPage Township Food Pantry Supervisor and Felix George, DuPage Township Trustee, all accepted the proclamation.

Mayor Claar talked about Bolingbrook Raider Football player, Aaron Bailey. He is a star junior quarterback for the State Championship Bolingbrook Raider Football Team. He has signed a commitment letter to the University of Illinois according to ESPN. ESPN ranked Bailey as number 37 on the recruiting roster for the Class of 2013 and the 11th best recruit in Illinois.

Mayor Claar announced the Grey Core/Lions Club Annual Memorial Day Weekend Carnival fundraiser being held between Thursday, May 24th, and Sunday, May 28th, at Village Hall.

PROMOTIONS/SWEARING IN

None

PUBLIC HEARING

PUBLIC HEARING BEFORE THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK, WILL AND DUPAGE COUNTIES, ILLINOIS RE THE PROPOSED ELECTRIC POWER AGGREGATION - PLAN OF GOVERNANCE AND OPERATION: DACOTT ENERGY SERVICES, INC.

Motion Lawler, second Swinkunas to open a Public Hearing regarding the proposed Electric Poser Aggregation - Plan of Governance and Operation: DaCott Energy Services, Inc.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas
Nay 0 - None
Absent 1 - Morelli

Motion Carried. Public Hearing opened at 8:17 p.m.

On March 20, 2012, the Bolingbrook electorate approved a Referendum providing for the Electric Aggregation of residential and small business power supply needs.

The Village agreed to aggregate Bolingbrook residents power usage with fifteen (15) other communities through the Will County Governmental League.

The Aggregation Statute required that two (2) Public Hearings be conducted before bids are solicited for the purchase of "bulk" power. The first Public Hearing was held on April 16th in Woodridge, IL. Only two (2) people attended the first Public Hearing.

DaCott Energy has been retained by the Will County Governmental League to conduct the process of bidding the electricity needs of the group and analyzing the bid results.

Hugh O'Hare from the Will County Governmental League was in attendance to talk about the details of the aggregate and answer any questions regarding "Electric Aggregation".

Residents will be given the opportunity to "opt-out" of the program if they wish.

COMMENTS/QUESTIONS

There were no comments or questions regarding the Public Hearing.

Motion Brown, second Morales to close the Public Hearing.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas
Nay 0 - None
Absent 1 - Morelli

Motion Carried. The Public Hearing closed at 8:21 p.m.

BILL APPROVAL

Motion Morales, second Swinkunas to approve expenditures submitted as Bill Listing A - Payables in the amount of \$275,162.28 and Bill Listing B - Pre-paids in the amount of \$201,235.56 totaling \$476,397.84. (Copies were made available in the Finance Dept. and Clerk's Office.)

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas
Nay 0 - None
Absent 1 - Morelli

Motion Carried.

MOTIONS

Mayor Claar explained that the following motions were part of this year's Motor Fuel Tax (MFT) expenses. MFT monies can only be used for qualified road related projects and cannot be used for general operating expenses. All of the awards went to the lowest bidder. All of the awards had been approved by the Public Works Committee.

MOTION TO ACCEPT LOW BID FROM JAMES D. FIALA PAVING COMPANY, INC. IN THE AMOUNT OF \$167,190.50 FOR THE 2012 BOLINGBROOK HISTORIC DISTRICT STREET RESURFACING PROGRAM

Motion Brown, second Morales to approve a motion to accept the low bid from James D. Fiala Paving Company, Inc., in the amount of \$167,190.50 for the 2012 Bolingbrook Historic District Street Resurfacing Program.

This motion approved the low bid from James D. Fiala Paving Company for street resurfacing in Bolingbrook's Historic District (Blackhawk, DuPage, Gettysburg, Pinto, and Arrowhead). Twelve (12) bid packets were sent out and four (4) bids were returned. The cost was \$167,190.50. This project was funded with Community Development Block Grant (CDBG) monies. \$150,000 was budgeted so the project was \$17,190.50 over budget.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

 Nay 0 - None

 Absent 1 - Morelli

 Motion Carried.

MOTION TO ACCEPT LOW BID FROM JAMES D. FIALA PAVING COMPANY, INC. IN THE AMOUNT OF \$731,074.00 FOR THE 2012 STREET RESURFACING PROGRAM

Motion Schanks, second Lawler to approve a motion to accept the low bid from James D. Fiala Paving Company, Inc., in the amount of \$731,074 for the 2012 Street Resurfacing Program.

This motion approved the low bid from James D. Fiala Paving Company in the amount of \$731,074 for the 2012 Street Resurfacing Program. Fifteen (15) bid packets were sent out and four (4) bids were returned. The low bid was \$78,926 under the budgeted amount of \$810,000.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

 Nay 0 - None

 Absent 1 - Morelli

 Motion Carried.

MOTION TO ACCEPT LOW BID FROM K-FIVE CONSTRUCTION IN THE AMOUNT OF \$372,925 FOR THE 2012 HMA PAVEMENT PATCHING PROGRAM

Motion Swinkunas, second Morales to approve a motion to accept the low bid from K-Five Construction in the amount of \$372,925 for the 2012 HMA Pavement Patching Program.

This motion approved a contract with K-Five Construction for the Village's 2012 Pavement Patching Program. Fifteen (15) bid packets were sent out and five (5) bids were returned. The low bid was \$372,925; \$52,075 under the budgeted amount of \$425,000. HMA stands for "hot mix asphalt".

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

MOTION TO ACCEPT LOW BID FROM SKC CONSTRUCTION, INC. IN THE AMOUNT OF \$308,250 FOR THE 2012 BITUMINOUS PAVEMENT CRACK FILLING PROGRAM

Motion Morales, second Brown to approve a motion to accept the low bid from SKC Construction, Inc., in the amount of \$308,250 for the 2012 Bituminous Pavement Crack Filling Program.

This motion awarded a contract to SKC Construction, Inc., for the 2012 Crack Filling Program. Seven (7) bid packets were sent out and two (2) were returned. The low bid was \$308,250; \$16,750 under budget.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

MOTION TO ACCEPT LOW BID FROM CRESCENT ELECTRIC SUPPLY IN THE AMOUNT OF \$56,174.90 FOR 2012-13 MFT MAINTENANCE MATERIALS GROUP III – STREET LIGHT LAMPS

Motion Schanks, second Lawler to approve a motion to accept the low bid from Crescent Electric Supply in the amount of \$56,174.90 for 2012-2013 MFT (Motor Fuel Tax) Maintenance Materials Group III - Street Light Lamps.

This motion accepted a bid from Crescent Electric Supply for Street Light Lamps. There were sixteen (16) bid packets sent out and two (2) were returned. The cost was \$56,174.90; \$6,174.90 over the budgeted amount of \$50,000.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

MOTION TO ACCEPT LOW BID FROM STRADA CONSTRUCTION COMPANY IN THE AMOUNT OF \$167,005 (ALT. B) FOR THE 2012-13 MFT SIDEWALK PROGRAM

Motion Morales, second Brown to approve a motion to accept the low bid from Strada Construction Company in the amount of \$167,005 (ALT. B) for the 2012-2013 MFT Sidewalk Program.

This motion accepted the low bid from Strada Construction Company for sidewalk construction. Ten (10) bid packets were sent out and nine (9) bids were returned. The cost was \$167,005; \$57,995 under the budgeted amount of \$225,000. "ALT. B" stands for removal and replacement of sidewalks. (ALT. A will be bid at a later time and is "mud-jacking" or raising sidewalks by pumping mud underneath sidewalks that have sunken.)

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

MOTION TO ACCEPT LOW BID FROM SUPERIOR ROAD STRIPING, INC. IN THE AMOUNT OF \$107,970 FOR 2012-13 MFT PAVEMENT MARKINGS

Motion Swinkunas, second Morales to approve a motion to accept the low bid from Superior Road Striping, Inc., in the amount of \$107,940 for the 2012-2013 MFT Pavement Markings Program.

This motion accepted the low bid from Superior Road Striping, Inc., for road striping. Seven (7) bid packets were sent out and six (6) bids were returned. The cost was \$107,970; \$17,030 under the budgeted amount of \$125,000.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

MOTION TO ACCEPT LOW BID FROM JAMES D. FIALA PAVING COMPANY IN THE AMOUNT OF \$36,931.79 FOR 2012-13 MFT MAINTENANCE MATERIALS GROUP II - ASPHALT

Motion Brown, second Schanks to approve a motion to accept the low bid from James D. Fiala Paving Company in the amount of \$36,931.79 for the 2012-2013 MFT Maintenance Materials Group II - Asphalt.

This motion accepted the low bid of James D. Fiala Paving Company for asphalt used by the Public Works Department for road repairs. Nineteen (19) bid packets were sent out and four (4) were returned. The cost was \$36,931.79; \$13,093.21 under the budgeted amount of \$50,025.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

MOTION TO USE FUNDS RECEIVED FROM METROPOLITAN MAYORS CAUCUS TO REPLACE ASH TREES

Motion Schanks, second Lawler to approve a motion to use funds received from the Metropolitan Mayors Caucus to replace Ash trees in the Village.

This motion approved the purchase of forty-six (46) trees from Cedar Path Nursery and awarded the contract for planting them to American Landscaping at a cost of \$8,280. Total project cost was \$15,968. The cost of the project was covered by a Grant from the Metropolitan Mayors Caucus and was part of a program to replace Ash trees which are susceptible to the Emerald Ash Borer. There were currently between 12,000 and 13,000 Ash trees on public property in Bolingbrook and probably double that amount on private property. The ash borer is currently moving toward Bolingbrook and this begins a pro-active approach to the problem. They will be replaced with varieties of oak, linden and maple trees.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

MOTION TO APPOINT JAMES S. BOAN VILLAGE ATTORNEY

Motion Swinkunas, second Morales to approve a motion to appoint James S. Boan to Village Attorney.

This was a housekeeping measure. Barry Moss was appointed Village Attorney on June 1, 1976. Jim has been serving in that capacity since 2000. Barry was not actively working on Bolingbrook matters and spends most of the year out-of-State. This motion officially appointed James S. Boan as Village Attorney.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas
Nay 0 - None
Absent 1 - Morelli
Motion Carried.

RESOLUTIONS

RESOLUTION 12R-027
AUTHORIZING APPROVAL OF COMMONWEALTH EDISON PROPOSAL FOR BURYING LINES ALONG EAST BOUGHTON ROAD (AT ASHBURY)

Motion Lawler, second Schanks to adopt a resolution authorizing the approval of a Commonwealth Edison proposal for burying lines along East Boughton Rd. at Ashbury Ave.

As part of the Village’s ongoing program to bury overhead power lines to increase reliability and improve “streetscape” appearance, the sections of overhead wiring from Ashbury to Kildeer along East Boughton Road needed to be lowered. This resolution authorized ComEd to design and engineer the lowering of the power lines. ComEd’s cost to do the engineering work was \$50,000. The actual construction cost will be paid for through the use of Rider LGC f/k/a Rider 28, which spreads the cost across the entire Village. The Public Works Committee had reviewed and recommended approval.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas
Nay 0 - None
Absent 1 - Morelli
Motion Carried.

RESOLUTION 12R-028
AUTHORIZING THE CONVEYANCE OF CERTAIN REAL ESTATE TO THE WILL COUNTY HIGHWAY DEPARTMENT

Motion Brown, second Morales to adopt a resolution to authorize the conveyance of certain real estate to the Will County Highway Department.

Will County is the “lead” agency in the construction of the road/bridge connecting 95th Street and Kings Road. The County had requested three (3) small “slivers” of property at the intersection of Kings and Boughton Roads from the Village for right-of-way purposes. The total amount of land was .007 acres. This resolution transferred the property to Will County.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas
Nay 0 - None
Absent 1 - Morelli
Motion Carried.

RESOLUTION 12R-029

AUTHORIZING PURCHASE OF TWO REPLACEMENT WHEELED COACH AMBULANCES FROM FIRE SERVICE, INC. FOR STATIONS 2 AND 3

Motion Swinkunas, second Schanks to adopt a resolution to authorize the purchase of two (2) replacement wheeled coach ambulances from Fire Service, Inc., for Fire Stations 2 and 3.

This resolution approved the purchase of two (2) 2012 ambulances from Fire Services, Inc. The vehicles will be assigned to Fire Stations 2 and 3. The total cost was \$317,722; \$13,360 under budget. The Public Safety Committee reviewed and recommended approval. There are four (4) active ambulances and one (1) in reserve.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

ORDINANCES

PC 12-13

APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A FITNESS CENTER WITH EXTENDED HOURS OF OPERATION - XSPORT FITNESS, 119 S. WEBER ROAD; JOE WHITESIDE, CAPITAL FITNESS, INC., APPLICANT

Motion Brown, second Lawler to accept a Plan Commission Report PC 12-13 for approval of a Special Use Permit to allow a fitness center with extended hours of operation for XSport Fitness, 119 S. Weber Rd.; Joe Whiteside, Capital Fitness, Inc., Applicant.

VOICE VOTE. MOTION CARRIED.

ORDINANCE 12-028

APPROVING SPECIAL USE PERMIT FOR FITNESS CENTER WITH EXTENDED HOURS – XSPORT FITNESS, 119 S. WEBER ROAD (COUNTRY AIRE PLAZA)

Motion Swinkunas, second Morales to pass an ordinance approving a Special Use Permit for a fitness center with extended hours - XSport Fitness, 119 S. Weber Rd. (Country Aire Plaza).

XSport Fitness, represented by Joe Whiteside, is located in 13,500 sq. ft. in the Maple Park Plaza near Best Buy and Ross Center. The company had outgrown their space and planned to move into 23,810 sq. ft. of space in the Country Aire Plaza (formerly occupied by Michaels). The fitness club would like to operate 24 hours a day. This ordinance approved the Special Use Permit allowing 24 hour usage. The Plan Commission reviewed and recommended approval.

Joe Whiteside, owner, explained that he has 30 XSport Fitness Centers throughout the Chicago area. All are open 24 hours a day. He stated that they were excited to expand the business in Bolingbrook. He currently has 3,500 - 4,000 members and hopes to eventually increase to 6,000 - 7,000 members. He wants to provide new types of fitness opportunities and a spa for

members in the new and larger space. The move will be seamless as the new location will have all new equipment.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

ORDINANCE 12-029

APPROVING PLAT OF EASEMENT GRANT FOR SANITARY SEWER (MEIJER/CHICK-FIL-A)

Motion Swinkunas, second Morales to pass an ordinance approving a Plat of Easement Grant for sanitary sewer purposes (Meijer/Chick-Fil-A).

Chick-Fil-A is under construction on a newly created outlot in front of Meijer on Weber Road. The sanitary sewer main for this development is located under the Meijer parking lot. This ordinance approved a Plat of Easement Grant for a sanitary sewer connecting the restaurant to the sewer main.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

ORDINANCE 12-030

AMENDING CHAPTER 5, ARTICLE 1 OF THE MUNICIPAL CODE (NUMBER OF PATROL OFFICERS)

Motion Lawler, second Morales to pass an ordinance amending Chapter 5, Article 1 of the Municipal Code regarding the number of Patrol Officers.

This was a "housekeeping" measure. The Police Department's staff had been at a total of 113 sworn officers, including 87 patrol officers, since May of 2010. This ordinance amended the July 14, 2009, ordinance regarding the organization and staffing in the Police Department to reflect the actual number of officers employed.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

ORDINANCE 12-031

APPROVING AMENDMENT OF ANTENNA LICENSE AGREEMENT AMONG THE VILLAGE, AT&T WIRELESS, PCS AND PRME CO. PERSONAL COMMUNICATIONS (751 NORTH BOLINGBROOK DRIVE)

Motion Brown, second Morales to pass an ordinance approving an Amendment to the Antenna License Agreement among the Village, AT&T Wireless PCS and PRME Co. Personal Communications (751 North Bolingbrook Drive).

On December 17, 1996, the Village entered into a License Agreement with Tower Assets Newco regarding a cell tower on the Bradlink property off north Rt. 53 near Royce Road. The agreement allowed the Village to place fire and police radio equipment on their tower (free of charge). This Amendment to the License Agreement allowed the Village to replace the older equipment with newer microwave equipment.

ROLL CALL: Yea 5 - Brown, Lawler, Morales, Schanks, Swinkunas

Nay 0 - None

Absent 1 - Morelli

Motion Carried.

QUESTIONS FROM THE AUDIENCE

None

QUESTIONS FROM THE PRESS

None

TRUSTEE COMMENTS

Trustee Morales gave details on the Bolingbrook Chamber of Commerce 4th Annual "Taste of Bolingbrook" being held May 19th and 20th behind Village Hall. He also asked about the status of the West Boughton Road construction. Public Works and Engineering Director, Mike Drey, answered that the construction had a slow start but should start picking up speed. The pavement should be completely removed this week and they will then start replacing the street. The work should be completed by the end of June.

Trustee Schanks gave details on the Bolingbrook Clow International Airport "13th Annual Cavalcade of Planes" on June 2nd & 3rd.

Trustee Brown talked about the BCT Channel 6 show he hosts "Bridging the Gap" and mentioned that the subject of "bullying" would be telecast on Thursday, May 10th. They asked for people to come out and bring their ideas and be part of the audience.

Trustee Swinkunas announced that the airport that hosts the "Cavalcade of Planes" scheduled on June 2nd & 3rd was looking for volunteers to help throughout the two (2) days of the event. Adults and high school kids would be able to volunteer.

Trustee Lawler gave details on the Letter Carriers Annual Food Drive held on Saturday, May 12th and urged residents to participate this Saturday.

Mayor Claar talked about several upcoming events taking place at the Bolingbrook Golf Club:

- 6/14 WIND (560AM) Radio 1st Annual Golf Outing. Proceeds will go to help the "Honor Flight" program that flies WWII veterans to Washington, D.C., to see the WWII Memorial.
- 6/22 Bo Jackson Celebrity Golf Outing; funds help support his chosen charities.
- 7/10 NFLPA Retired Professional Football Players of Chicago WBBM 2012 Golf Outing; funds are used toward college scholarships.
- 8/2 Lions Club Golf Outing in support of those who are visually and hearing impaired.
- 8/24 IFI Tom Dreesen Golf Classic. Smokey Robinson usually attends and sings at the dinner on Friday night.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion Brown, second Swinkunas to adjourn the regular meeting.

Voice vote. Motion carried and meeting adjourned at 8:52 p.m.

Roger C. Claar
MAYOR

ATTEST:

Carol S. Penning, CMC
VILLAGE CLERK