

**A REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF BOLINGBROOK – NOVEMBER 13, 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 8:00 p.m., November 13, 2012, in Bolingbrook, Illinois, by Mayor Roger C. Claar.

PLEDGE OF ALLEGIANCE

Mayor Roger C. Claar requested that Luis Elvir, Manager of the Bolingbrook Walmart, lead the Pledge of Allegiance to the Flag.

ROLL CALL

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

Absent: None

Also present were: Village Clerk – Carol S. Penning, Village Attorney - James Boan, Police Chief - Kevin McCarthy, Deputy Fire Chief - Trinidad Garza in for Fire Chief - David Litton, Director of Community Development - Dennis Kowalczyk, Director of Public Works – Mike Drey, Finance Director – Rosa Cojulun, and Information Technology and Human Resources Director – Brenda Ladipo

Absent: Fire Chief Dave Litton

Representing the press: Laura Katauskas - The Bolingbrook Bugle

JOURNAL OF PROCEEDINGS

Motion Brown, second Swinkunas to approve the minutes of the October 9, 2012, Village Board meeting submitted by the Village Clerk.

Voice vote. Motion carried.

APPROVAL OF AGENDA/ADDITIONS

Village Attorney, Jim Boan, requested the removal of item #4 under Ordinances from the agenda. This was Ordinance (12-069) titled "Amending Chapter 13 of the municipal Code and Decreasing Class "D-2" from Twelve (12) to Eleven (11) - Blue Coyote".

Motion Schanks, second Morales to approve agenda as amended.

Voice vote. Motion carried.

APPROVAL OF APPOINTMENTS/POSITIONS

None

PRESENTATIONS

ANNUAL FIRE PREVENTION WEEK POSTER CONTEST WINNERS: Mayor Claar and Jeff LaJoie, Fire Marshal for the Village, presented winners of the FIRE PREVENTION POSTER CONTEST. Winners were:

Grand Prize Winners

Justin Elesterio	St Dominic's School	7th Grade
Alexis Kaye Galang	Midwest Montessori School	3rd Grade
Emily Saenz	BJ Ward School	5th Grade
Taylor Tompkins	Oak View School	5th Grade
Jessica Gonzalez	Independence School	4th Grade
Katherine Cervantes	Jonas Salk School	5th Grade
Tylin Hickenbottom	Jamie McGee School	Kindergarten
Parvathi Azhari	Builta School	4th Grade
Abigail Hess	Pioneer School	3rd Grade
Abigai Knoepfle	Liberty School	5th Grade
Francisco Mariscal	Woodview School	5th Grade

Winners received a Bolingbrook Fire Department bag with water bottle, lunch bag, and key calendar, a ride to school on a Bolingbrook Fire Engine, plaque and \$25 Promenade gift certificate (from Bolingbrook Rotary Club).

Special Prize Winner

Elisha Driggers	Pioneer School	4th Grade
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In addition to the prizes listed above, the Special Prize Winner received a bike and bike helmet donated by Walmart.

RECERTIFICATION AS A STORMREADY COMMUNITY FROM THE NATIONAL WEATHER SERVICE THROUGH MAY OF 2015:

Fire Fighter, Troy Kirsch, explained what a StormReady Community entails. The Program was started in 1999, to strengthen the communication and safety skills of municipalities so they are better prepared for severe weather in order to save lives and property. This is done through advanced training, education and awareness. Bolingbrook first obtained StormReady Certification in 2003, and is one of only fifty-eight (58) communities to be certified in Illinois out of a possible 1,200.

Mayor Claar added that what this certification means to Bolingbrook is that we are as prepared as possible for a severe weather disaster as determined by specialists in the field. He congratulated Troy and the Fire Department for meeting the criteria for this certification.

PROCLAMATIONS

None

BILL APPROVAL

Motion Morales, second Lawler to approve expenditures submitted as Bill Listing A - Payables in the amount of \$933,249.52 and Bill Listing B - Pre-paids in the amount of \$1,770,557.79 totaling \$2,703,807.31. (Copies were made available in the Finance Dept. and Clerk's Office.)

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

TAX RECEIPTS

1. July, 2012 State Income Tax - \$387,399.35 (July, 2011 State Income Tax - \$375,691.26) – a 3.12% Increase
2. August, 2012 Sales Tax - \$2,175,205.23 (August, 2011 Sales Tax - \$2,218,559.81) – a 2.00% Decrease
3. August, 2012 Motor Fuel Tax - \$135,927.23 (August, 2011 Motor Fuel Tax - \$157,422.63) – a 13.70% Decrease

MOTION TO ACCEPT THE ANNUAL TREASURER'S REPORT OF RECEIPTS AND DISBURSEMENTS FOR FISCAL YEAR 2011-2012

Motion Brown, second Swinkunas to accept a motion to accept the Annual Treasurer's Report of Receipts and Disbursements for the Fiscal Year 2011-2012.

The Village is statutorily required to publish a list of its revenues and expenses annually. This motion accepted the Treasurer's (Finance Director) report on Receipts and Disbursements for Fiscal Year 2011-2012. Revenues from all sources totaled \$103,882,724 and expenditures, including capital improvements, totaled \$101,096,234. The Treasurer's Report was published in the Joliet Herald News.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

RESOLUTIONS

RESOLUTION 12R-057

APPROVING INTERNET SERVICE AGREEMENT WITH PAETEC, A WINDSTREAM COMPANY

Motion Schanks, second Morales to adopt a resolution approving an Internet Service Agreement with Paetec, a Windstream Company.

The Village's internet service provider contract will expire at the end of November. The Village sent out Requests for Proposals (RFP). Six (6) vendors responded to the RFP's. This resolution awarded a three-year contract to PAETEC, a Windstream Company. They were the lowest qualified quote. The cost in 2013 will be \$39,900.00, 2014 will be \$39,900.00 and 2015 will be \$33,200. The 2013 amount spanned parts of two fiscal years and was within budget for this year. The Finance Committee had reviewed and recommended approval.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

RESOLUTION 12R-058

APPROVING PROPOSAL FOR RENEWAL FROM MESIROW FOR WORKERS COMPENSATION INSURANCE

Motion Morelli, second Morales to accept a resolution approving a proposal for renewal from Mesirow for Workers Compensation Insurance.

This resolution approved the Village's renewal of its Workers Compensation Insurance with the Illinois Counties Risk Management Trust through Mesirow, the Village's insurance broker of record. The total cost was \$1,965,425, which was \$15,202 over this year's cost. During the year, claims had gone down and payroll increased slightly. The Finance Committee had reviewed and recommended approval.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

RESOLUTION 12R-059

APPROVING ONE-YEAR QUOTATION FOR SMARTNET MAINTENANCE RENEWAL FOR CISCO (NETWORKING) EQUIPMENT – TYMPANI, INC.

Motion Morales, second Schanks to accept a resolution approving a one-year quotation for Smartnet maintenance renewal for Cisco (Networking) equipment - Tympani, Inc.

This resolution approved the renewal of a maintenance contract (CISCO Equipment) with Tympani, Inc., for computer routers, switches and telephone equipment. The cost of a one-year contract will be \$69,579.23, which was slightly under the budgeted amount of \$69,600. The Finance Committee had reviewed and recommended approval.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

RESOLUTION 12R-060

ACCEPTING PUBLIC IMPROVEMENTS IN THE PATRIOT PLACE SUBDIVISION (THE RYLAND GROUP, INC.)

Motion Morelli, second Swinkunas to adopt a resolution accepting Public Improvements in the Patriot Place subdivision (The Ryland Group, Inc.).

The Patriot Place subdivision contains forty-six (46) buildings consisting of 123 units. The subdivision and public improvements have been completed. This resolution accepted a Bill of Sale from Ryland for all of the public improvements; i.e., streets, sidewalks, parkway landscaping, water and sewer lines, etc. Upon acceptance, the developer's one-year warranty will start.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

RESOLUTION 12R-061

APPROVING INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE VILLAGE AND THE ILLINOIS OFFICE OF THE COMPTROLLER RE ACCESS TO THE COMPTROLLER'S LOCAL DEBT RECOVERY PROGRAM

Motion Brown, second Lawler to adopt a resolution approving an Intergovernmental Cooperation Agreement between the Village and the Illinois Office of the Comptroller regarding access to the Comptroller's Local Debt Recovery Program.

The State passed the Local Debt Recovery Program (LDRP) to assist local governments in the recovery of debts owed them. This resolution approved an Intergovernmental Agreement with the State Comptroller's Office which would allow the State to withhold refunds and non-tax payments in order to collect debts owed to a local unit of government. The agreement outlined the certification of debt, debtor notifications, and the requirements of the collection, withholding and turnover process. The LDRP Program will be used in conjunction with the other methods the Village uses to collect debts.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

ORDINANCES

ORDINANCE 12-067

APPROVING EXPENDITURE FOR FINAL DESIGN WORK BY COMMONWEALTH EDISON FOR RELOCATION OF OVERHEAD POWER LINES (EAST BOUGHTON BETWEEN BARBERS CORNERS AND WINSTON DRIVE/FALCONRIDGE)

Motion Brown, second Morales to pass an ordinance approving the expenditure for final design work by Commonwealth Edison for relocation of overhead power lines on East Boughton between Barbers Corners and Winston Drive/Falconridge.

As part of the Village's on-going policy of "undergrounding" Commonwealth Edison's overhead power lines on major thoroughfares in the Village, the Village added the section along Boughton Road from Barbers Corners to Falconridge Way. This ordinance authorized ComEd to design and engineer the project (\pm \$15,000) and to perform the work (\pm \$200,000). The work would be paid for through the use of Rider LGC (f/k/a Rider 28), which spreads the cost across the entire Village.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

ORDINANCE 12-068

AMENDING CERTAIN PROVISIONS OF CHAPTER 8, ARTICLE 9, (APPLICABILITY OF ARTICLE) OF THE MUNICIPAL CODE

Motion Schanks, second Morales to pass an ordinance amending certain provisions of Chapter 8, Article 9 (Applicability of Article), of the Municipal Code.

The Public Safety Employee Benefits Act covers sworn police and fire employees. The Act provides for lifetime health care benefits for employees that are found to be "catastrophically injured" on the job. Recently, courts have held that these benefits are not "automatic" and that Home Rule Units (Pedersen vs. Village of Hoffman Estates) have the authority to conduct a review of the application for benefits through an Administrative Hearing. This ordinance amended Chapter 8 of the Municipal Code to require an Administrative Hearing before lifetime health benefits would be awarded and sets out the procedures for the hearing.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

ORDINANCE AMENDING CHAPTER 13 OF THE MUNICIPAL CODE AND DECREASING CLASS “D-2” FROM TWELVE (12) TO ELEVEN (11) - BLUE COYOTE

This ordinance was stricken from the agenda.

ORDINANCE 12-069

AMENDING CHAPTER 13 OF THE MUNICIPAL CODE AND DECREASING CLASS “D-2” FROM TWELVE (12) TO ELEVEN (11) - CATTLEMAN’S STEAK HOUSE & SALOON

Motion Morales, second Schanks to pass an ordinance amending Chapter 13 of the Municipal Code and decreasing Class D-2 from twelve (12) to eleven (11) - Cattleman's Steak House & Saloon.

Cattleman’s Steak House & Saloon on Weber Road recently closed. This ordinance reduced the number of Class D-2 liquor licenses from twelve (12) to eleven (11) to reflect the closing.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

PC 12-30

APPROVAL OF AN AMENDMENT TO A SPECIAL USE PERMIT TO ALLOW A SCHOOL - FURQAAN ACADEMY, 519 E. BRIARCLIFF ROAD – DR. MOHAMMED SAYEED, AL-FURQAAN FOUNDATION – APPLICANT

Motion Swinkunas, second Lawler to accept Plan Commission Report PC 12-30 for approval of an amendment to a Special Use Permit to allow a school - Furqaan Academy, 519 E. Briarcliff Road - Dr. Mohammed Sayeed, Al-Furqaan Foundation, Applicant.

Voice vote. Motion carried.

ORDINANCE 12-070

AMENDING SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT TO ALLOW A SCHOOL AT 519 EAST BRIARCLIFF ROAD (FURQAAN ACADEMY)

Motion Brown, second Schanks to pass an ordinance amending a Special Use Permit for a Planned Development to allow a school at 519 East Briarcliff Road (Furqaan Academy).

Dr. Mohammed Sayeed, on behalf of the Furqaan Academy, sought an amendment to a Special Use Permit. In 2009, the Village Board approved a Special Use Permit to allow a school to occupy the first floor of a three-story building at 519 E Briarcliff. The applicant would like to expand the school to the second floor. The school has sixty-eight (68) students enrolled in kindergarten through 8th grade. There was adequate parking on-site. This ordinance approved an amendment to the Special Use Permit to allow the school expansion. The Plan Commission had reviewed and recommended approval.

Wajahat Sayeed, President of the Al-Furqaan Foundation, talked about the school and their future plans.

ROLL CALL: Yea 6 - Brown, Lawler, Morales, Morelli, Schanks, Swinkunas

Nay 0 - None

Absent 0 - None

Motion Carried.

QUESTIONS OR COMMENTS

Mayor Claar brought two (2) boy scouts up from the audience from Troop 131 that were in attendance to fulfill a requirement for the Citizenship Merit Badge.

TRUSTEE COMMENTS

Mayor Claar mentioned that there would be only one meeting in December on the 18th. He thanked the Promenade, Beautification Commission, Village of Bolingbrook and all the generous sponsors (total of \$7,000) for contributing to the success of the Symphony of Lights and Tree Lighting Ceremony. He encouraged everyone to shop in Bolingbrook.

Trustee Lawler gave details on Operation Christmas, encouraged people to donate and to help families in need during the holiday season.

Trustee Swinkunas gave details on the BHS Madrigals Holiday Concert being held on Thursday, December 6, 2012, at 6:30 and 8:30 p.m.

Trustee Brown gave information on the Theater-on-the-Hill schedule for their current play "Closet Land". It will run from Friday, November 16th, through Sunday, November 18th, at the Performing Arts Center Stage. He thanked everyone that attended the Veterans Day Ceremony at Village Hall last Sunday.

Trustee Schanks congratulated all of the Fire Poster Contest winners and wished everyone a Happy Thanksgiving.

Trustee Morelli gave details on the Bolingbrook Lion's Club 5th Annual Coat Drive for Kids.

Trustee Morales wished everyone a safe and happy holiday season. He also asked people that see a soldier in military uniform, to please thank them for their service and welcome them home.

Mayor Claar mentioned that two (2) people associated with the Village passed away this week. Dianne Kavanaugh, wife of Dick Kavanaugh. Dick Kavanaugh was Valley View School Board President for many years. Dianne passed from a long and complicated illness. Also, Trustee Lawler lost his sister, Susan Cholis, this past week after a long battle with cancer. Condolences were given to both families.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion Brown, second Morales to adjourn the regular meeting.

Voice vote. Motion carried and meeting adjourned at 9:10 p.m.

Roger C. Claar
MAYOR

ATTEST:

Carol S. Penning, CMC
VILLAGE CLERK