

MINUTES FOR THE REGULAR MEETING
OF THE CORPORATE AUTHORITIES OF THE
VILLAGE OF CAMPTON HILLS
JUNE 6, 2017
7:00 P.M.

CAMPTON TOWNSHIP COMMUNITY CENTER
5N082 OLD LAFOX ROAD
CAMPTON HILLS, ILLINOIS

1. **CALL TO ORDER**

President Blecker called the meeting to order at 7:04 p.m.

2. **ROLL CALL**

Clerk Quail called the Roll:

Present

President Blecker
Trustee Andersen
Trustee George
Trustee Girka
Trustee Millette
Trustee O'Dwyer
Trustee Tyrrell

Also Present

Administrator Searl
Attorney Diamond (*arrived at 7:15 p.m.*)
Zoning Officer Ranieri
David Eshoo
Clerk Quail

3. **PLEDGE OF ALLEGIANCE**

President Blecker led all those present in the Pledge of Allegiance.

4. **PUBLIC COMMENTS**

Pasty Smith, of 7N087 Homeward Glen, made technical suggestions to various items on the Consent Agenda, and offered considerations of Village history and matters of spending authority.

5. **CONSENT AGENDA**

- a. Motion to approve the minutes of the May 16, 2017, Regular Meeting
- b. Motion to approve payment of bills per Warrant List #17-27
- c. Motion to approve payment of bills per Warrant List #18-03
- d. Motion to approve the President's re-appointment of Ancel Glink for Village Attorney services for a term to expire May 15, 2018
- e. Motion to approve the President's appointment of Rob Santoro to serve on the Plan Commission/Zoning Board of Appeals for a term to expire May 2022.
- f. Motion to approve the President's re-appointment of Dave Eshoo to the Economic Development Committee for a term to expire June 9, 2019, and as Chairman of the Economic Development Committee, for a term to expire June 9, 2018
- g. Motion to approve the President's re-appointment of Ron D'Aversa to the Economic Development Committee for a term to expire June 9, 2019
- h. Motion to approve the President's re-appointment of Marc Falk to the Finance Committee for a term to expire June 16, 2019
- i. Motion to approve the President's appointment of Timothy Pearce as chair of the Finance Committee for a term to expire February 16, 2018

- j. Motion to approve the President's re-appointment of Tony Murphy to the Public Works Committee for a term to expire June 15, 2020
- k. Motion to approve the President's re-appointment of Rich Schult to the Public Works Committee for a term to expire June 15, 2020
- l. Motion to approve a donation for membership to the Conservation Foundation
- m. Motion to approve the 2017 Prevailing Wage Ordinance
- n. Motion to approve a Resolution Extending the Kane County Animal Control Contract to August 12, 2018

Trustee Tyrrell pulled Items d, e, f, g, h, i, j and k, for discussion upon the arrival of Attorney Diamond.

Trustee O'Dwyer pulled Items l and n.

Trustee Girka pulled Item m.

MOTION TO APPROVE CONSENT AGENDA ITEMS a, b and c, made by Trustee George; and seconded by Trustee Girka.

Roll Call Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**
 Andersen
 George
 Girka
 Millette
 O'Dwyer
 Tyrrell

DISCUSSION OF CONSENT AGENDA ITEMS

Item l: Trustee O'Dwyer inquired as to whether or not a fee is involved for membership; and Administrator Searl indicated that there is a budgeted amount of \$250, which is the recommended donation. Trustee George made a point of clarification that she no longer works for the Conservation Foundation.

MOTION TO APPROVE A \$250 DONATION FOR MEMBERSHIP TO THE CONSERVATION FOUNDATION, made by Trustee O'Dwyer; and seconded by Trustee George.

Roll Call Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**
 Andersen
 George
 Girka
 Millette
 O'Dwyer
 Tyrrell

Item m: Trustee Girka expressed concern over the Village's ability make the best decisions when purchasing services. Discussion followed amongst President Blecker,

Administrator Searl and Trustee Millette, clarifying the Village's enforcement of contracts and its compliance with the State's Prevailing Wage Act.

MOTION TO APPROVE THE 2017 PREVAILING WAGE ORDINANCE, made by Trustee Tyrrell; and seconded by Trustee Andersen.

Roll Call Vote: [AYES: 5] [NAYES: 1] Motion **CARRIED**
 Andersen Girka
 George
 Millette
 O'Dwyer
 Tyrrell

Item n: Trustee O'Dwyer inquired about the budgeted amount; and Administrator Searl clarified that the service is provided by the county and is paid by usage whereby the Village (and not a resident) would initiate requests for service.

MOTION TO APPROVE A RESOLUTION EXTENDING THE KANE COUNTY ANIMAL CONTROL CONTRAT TO AUGUST 12, 2108, made by Trustee O'Dwyer; and seconded by Trustee Tyrrell.

Voice Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**

Item d: Trustee Andersen expressed a preference to wait on re-appointments until the ordinance (referring to Agenda Item #13) is settled. Trustee Tyrrell agreed.

MOTION TO APPROVE THE PRESIDENT'S RE-APPOINTMENT OF ANCEL GLINK FOR VILLAGE ATTORNEY SERVICES FOR A TERM TO EXPIRE MAY 15, 2018, made by Trustee Millette; and seconded by Trustee George.

Roll Call Vote: [AYES: 4] [NAYES: 3] Motion **CARRIED**
 George Andersen
 Girka O'Dwyer
 Millette Tyrrell
 Blecker

Item e: Trustee Tyrrell expressed a preference to grow citizen involvement by involving other qualified candidates who have come forth. He praised Mr. Santoro's suitability for the Economic Development Committee; but raised concern over the candidate's recent support of development on permanent open space.

MOTION TO APPROVE THE PRESIDENT'S APPOINTMENT OF ROB SANTORO TO SERVE ON THE PLAN COMMISSION/ZONING BOARD OF APPEALS FOR A TERM TO EXPIRE MAY 2022, made by Trustee Millette; and seconded by Trustee Girka.

Roll Call Vote: [AYES: 1] [NAYES: 5] Motion **FAILED**
Millette Andersen
George
Girka
O'Dwyer
Tyrrell

Items f-k: President Blecker asked for a motion on Item f. Trustee Tyrrell directed questions to Attorney Diamond regarding Chapter 7 of the Village Code, and distributed copies for reference. Trustee Tyrrell noted that the existing code contains no specified terms of office for the Economic Development Committee, nor for Public Works. He questioned the staggered re-appointment dates for other positions in the Village Code, as well as inconsistencies with the terms specified in Items g, j and k, which are not specified in the Village Code. Additional inconsistencies were noted with regard to terms of office for chairperson positions. Attorney Diamond acknowledged inconsistencies, and offered to provide a written opinion on the matter.

MOTION TO TABLE ITEMS f, g, h, i, j and k of the CONSENT AGENDA, made by Trustee Tyrrell, and seconded by Trustee O'Dwyer.

Roll Call Vote: [AYES: 6] [NAYES: 0] Motion **TABLED**
Andersen
George
Girka
Millette
O'Dwyer
Tyrrell

6. **MOTION TO TABLE A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CAMERA SYSTEM FOR THE VILLAGE HALL/POLICE DEPARTMENT**, made by Trustee Tyrrell; and seconded by Trustee Andersen.

Trustee Girka noted specifics regarding the accessing of data on mobile devices, and suggested that Police Chief Hoffman create a usage policy for the new technology. Trustees Andersen and Tyrrell raised questions about privacy laws and security of video evidence. Attorney Diamond recommended that the Village obtain some information from larger municipalities who successfully utilize this technology, to assist in researching how such matters are handled.

Voice Vote: [AYES: 4] [NAYES: 2] Motion **TABLED**

7. **MOTION TO AUTHORIZE CHRIS RANIERI TO WORK WITH THE TENANT, TO ENTER INTO A CONTRACT NOT TO EXCEED \$10,000 FOR THE REPAIR/REPLACEMENT OF THE HVAC SYSTEM SERVICING THE RENTAL SPACE IN THE VILLAGE HALL**, made by Trustee George; and seconded by Trustee Millette

Mr. Ranieri explained the technical problems and the failed state of the current cooling unit in the tenant space. Two options were discussed which would replace the entire unit or add additional duct work. Mr. Eshoo, the tenant, provided details and examples of the extreme temperatures, and efforts to moderate the airflow throughout the day. He expressed his preference for the installation of the rooftop unit, rather than the installation of additional duct work. Trustee Millette provided technical explanations of the HVAC system software. Discussion followed regarding cost scenarios, and Mr. Ranieri clarified that the tenant pays for its own electricity. Mr. Eshoo offered to pay a certain sum for the repair, in exchange for a reduction of the monthly rent for a specific, agreed-upon period of time.

Roll Call Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**
 Andersen
 George
 Girka
 Millette
 O'Dwyer
 Tyrrell

8. **MOTION TO ALLOW THE COUNTY TO ISSUE THEIR OWN PERMIT AND INSPECTIONS THROUGH THEIR DEVELOPMENT DEPARTMENT TO BUILD AN EQUIPMENT STORAGE BUILDING AT THEIR BURLINGTON RD. LOCATION; WHEREBY THE CONSTRUCTION AND BUILDING WOULD BE SUBJECT TO VILLAGE BUILDING ORDINANCES**, made by Trustee Millette; and seconded by Trustee Tyrrell.

Trustees Tyrrell and O'Dwyer inquired about the County indemnifying the Village; and Attorney Diamond clarified that the Village would in any case use its own ordinances to protect itself. Attorney Diamond recommended amending the language to include the structure as being subject to Village ordinances. Mr. Ranieri indicated that the building would not require a storm water permit or review because the structure is less than 5,000 square feet.

Roll Call Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**
 Andersen
 George
 Girka
 Millette
 O'Dwyer
 Tyrrell

9. **MOTION TO AUTHORIZE AN APPLICATION TO THE CMAP LOCAL ASSISTANCE PROGRAM (FOR WATER RESOURCES MANAGEMENT PLANNING)**, made by Trustee Andersen; and seconded by Trustee Tyrrell.

Administrator Searl and Trustee George explained the details of the CMAP application which they are preparing, which is due June 29th. The scope of the application is still

being evaluated and will be determined with the assistance of CMAP. Trustee George cited Sustainability Plans and Planning Priorities Reports as potential categories suitable for the Village's application. She noted that the category of Water Resource Management Plan is restricted to Cook county; but that water resources can fit into other implementation categories, as well as with the RTA. Trustee George reiterated that the Village needs tools and professional opinions to help identify best management practices, and to protect its water resources, ensuring adherence to the Village's Comprehensive Plan.

Voice Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**

- 10. MOTION TO ENTER INTO AN IGA WITH CAMPTON TOWNSHIP HIGHWAY DISTRICT FOR ROAD MAINTENANCE ON VILLAGE ROADS LOCATED WITHIN CAMPTON TOWNSHIP AND PLATO TOWNSHIP, AS AMENDED,** by Trustee Millette; and seconded by Trustee George.

Trustee Millette noted an amendment: On page 3, Section 4 (Plato Township Roads), in the last paragraph, third line, after the words, "Exhibit D," add, "or which is."

Roll Call Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**

Andersen
George
Girka
Millette
O'Dwyer
Tyrrell

- 11. MOTION TO APPROVE AND EXTEND LEGISLATIVE COUNSEL FUNDING TO MONTANA & WELCH FOR AN AMOUNT UP TO \$4,000.**

Trustee O'Dwyer requested to amend the amount to read "up to \$10,000." Trustee Girka requested to amend by omitting "Montana & Welch" in favor of a general reference to "legislative counsel."

MOTION TO APPROVE AND EXTEND LEGISLATIVE COUNSEL FUNDING FOR AN AMOUNT UP TO \$10,000, AS AMENDED, made by Trustee O'Dwyer; and seconded by Trustee Tyrrell.

Roll Call Vote: [AYES: 4] [NAYES: 2] Motion **CARRIED**

Andersen George
Girka Millette
O'Dwyer
Tyrrell

- 12. MOTION TO APPROVE PAYMENT TO MONTANA & WELCH IN THE AMOUNT OF \$1,963,** made by Trustee O'Dwyer; and seconded by Trustee Andersen.

President Blecker noted that an answer has not been forthcoming in response to his request regarding the legal billing practices, as well as details of attorney time billed from Montana & Welch. He reiterated his request for the billing details to be provided.

Roll Call Vote: [AYES: 4] [NAYES: 2] Motion **CARRIED**

Andersen George
Girka Millette
O'Dwyer
Tyrrell

13. DISCUSSION AND CONSIDERATION OF AN ORDINANCE AMENDING SECTION 1-7-10 OF CHAPTER 7 OF TITLE 1 OF THE VILLAGE CODE REGARDING THE EXPIRATION OF TERM OF OFFICE OF APPOINTED OFFICER

President Blecker expressed his preference to table this item. He also offered a compromise on the issue by way of obtaining a third, independent legal opinion. Discussion followed on the merits of the offer.

Trustee Millette offered a solution to have the Administrator identify in writing the discrepancies in the code, which have been identified thus far. He recommended establishing a subcommittee to evaluate the positions of the multiple sides of the argument.

Discussion followed regarding process and procedure in contrast to the balance of rights of the president and the advice and consent of the Board.

Attorney Diamond reiterated the powers of home rule and non-home rule municipalities, and discussion followed amongst the Trustees about potentially challenging the State statute and/or reducing home rule from 25,000 to 5,000.

MOTION TO CONSIDER AN ORDINANCE AMENDING SECTION 1-7-10 OF CHAPTER 7 OF TITLE 1 OF THE VILLAGE CODE REGARDING THE EXPIRATION OF TERM OF OFFICE OF APPOINTED OFFICER [AS AMENDED IN ITEM E], made by Trustee Girka and seconded by Trustee Andersen.

Trustee Tyrrell offered a friendly amendment to Paragraph E, to add language following the last sentence, "unless the Village President is pursuing a successor nomination for appointment as provided in this 1-7-10." The amendment was accepted by Trustees Andersen and Tyrrell.

Trustee Millette questioned the language in the fifth paragraph as too inflammatory in tone. He also questioned language in Paragraph A, such that the words "on the" appearing before the word "immediately" be omitted. Additionally, he raised language in Paragraph D, the third line where "initial" be omitted before the word "denial." Trustee Andersen recommended that portion of the sentence be amended to read, "a denial."

Attorney Diamond questioned language in Paragraph D regarding successor nominations. Trustee Andersen made recommendations to simply amend the sentence

beginning with, "If a successor..." such that the word, "same" is added before the word, "remaining."

Roll Call Vote: [AYES: 1] [NAYES: 4] [ABSTAIN: 1] Motion **FAILED**
Tyrrell George Andersen
Girka
Millette
O'Dwyer

14. MOTION TO TABLE DISCUSSION AND CONSIDERATION OF AN ORDINANCE AMENDING SECTION 1-7d-1 OF ARTICLE D OF CHAPTER 7 OF TITLE 1 OF THE CAMPTON HILLS VILLAGE CODE REGARDING THE TERM OF OFFICE OF THE VILLAGE ATTORNEY, made by Trustee Millette, and seconded by Trustee Tyrrell.

Voice Vote: [AYES: 6] [NAYES: 0] Motion **TABLED**

Trustee Girka requested a two-minute recess. President Blecker ordered a recess at 9:15 p.m. President Blecker reconvened the meeting at 9:18 p.m.

MOTION TO RECONSIDER ITEM #13, made by Trustee Girka; and seconded by Trustee Andersen

Voice Vote: [AYES: 5] [NAYES: 1] Motion **CARRIED**

Discussion followed amongst the Trustees about how to proceed. Attorney Diamond advised on matters of procedure.

MOTION TO TABLE #13 (DISCUSSION AND CONSIDERATION OF AN ORDINANCE AMENDING SECTION 1-7-10 OF CHAPTER 7 OF TITLE 1 OF THE VILLAGE CODE REGARDING THE EXPIRATION OF THE TERM OF OFFICE OF APPOINTED OFFICER, made by Trustee George; and seconded by Trustee Millette.

Voice Vote: [AYES: 2] [NAYES: 4] Motion **FAILED**

Trustee O'Dwyer suggested a methodical review and discussion of amendments for the sake of clarity. The following edits were discussed:

[The fifth paragraph, page 1] "WHEREAS, the Board of Trustees while also protecting the appointment authority of the Village President, desire to amend Section 1-7-10 pertaining to the appointment of appointed officers, as set forth in this Ordinance."

[Paragraph A, page 1] "Unless otherwise specified in the Village Code, all appointed officers are appointed for a one year term of office, or remaining portion thereof, and all such terms of office shall expire immediately following the first meeting of the Board of Trustees in the following May."

[Paragraph D, first sentence] "If a successor nomination for appointment fails to receive an affirmative majority vote as set forth in Section 1-7-10(C), the Village President shall, within thirty (30) days of a denial, resubmit to the Village Board..."

[Paragraph D, second sentence] "If a successor nomination for appointment twice fails to receive a majority vote of the Board of Trustees as provided herein, such same

nomination shall not be resubmitted by the Village President to the Village Board for the same remaining applicable term of office.”

[Paragraph E, after the last sentence, the following language added] “Unless the Village President is pursuing a successor nomination for appointment as provided in this 1-7-10.”

Attorney Diamond stated that the Statute says the mayor can appoint people for a term of office that cannot exceed the mayor’s term.

MOTION TO EXTEND THE MEETING PAST 9:30 P.M., made by Trustee Andersen; and seconded by Trustee Tyrrell.

Voice Vote: [AYES: 4] [NAYES: 2] Motion **CARRIED**

Trustee Millette requested a five-minute recess. President Blecker ordered a recess at 9:37 p.m. President Blecker reconvened the meeting at 9:42 p.m.

Discussion followed amongst the Trustees about how to proceed. Attorney Diamond advised on matters of procedure. Trustee Girka asked Attorney Diamond’s opinion as to whether or not the document would stand. Attorney Diamond offered his opinion that a court would find this invalid because the Village is a non-home rule community, and the executive powers granted to mayors are derived from State statute. Discussion continued amongst Trustees regarding the history of the Village appointments as well as the process for advice and consent. Trustee George encouraged further discussion and research, in order to enrich the discussion with greater perspective and understanding.

MOTION TO TABLE UNTIL JULY 18, 2017, THE DISCUSSION AND CONSIDERATION OF AN ORDINANCE AMENDING SECTION 1-7-10 OF CHAPTER 7 OF TITLE 1 OF THE VILLAGE CODE REGARDING THE EXPIRATION OF THE TERM OF OFFICE OF APPOINTED OFFICER, made by Trustee Millette; and seconded by Trustee George.

Voice Vote: [AYES: 4] [NAYES: 2] Motion **TABLED**

15. ADDITIONAL ITEMS, UPDATES AND FOLLOW-UP REPORTS FROM VILLAGE PRESIDENT, TRUSTEES, VILLAGE ADMINISTRATOR, VILLAGE ATTORNEY OR STAFF

- a. New Items
 - i. Economic Development Committee Facebook page report has no further news to report.
- b. Updates
 - i. Fox Mill – There is nothing to report at this time.
- c. Follow-up

Administrator Searl provided an update on the Village hosting the CMAP On To 2050, event
- d. Trustee Millette made an announcement about the MetroWest Legislative barbecue on June 22nd. He also shared news that he was recently appointed to the National Government Affairs Committee for the American Public Works Association
- e. Trustee Tyrrell asked for Attorney Diamond to clarify circumstances under which four votes are required and under what circumstances the President would vote.

16. **MOTION TO GO INTO CLOSED SESSION** as permitted by the Open Meetings Act to discuss one or more of the following matters, made by Trustee George; and seconded by Trustee Millette at 10:22 p.m.

- a. Litigation that is filed and pending, or is probable or immanent. 2(c)(11)
- b. Appointment, employment, compensation, discipline, performance, or dismissal of specific employees or officials, including legal counsel. 2(c)(1) & (3).

Roll Call Vote: [AYES: 6] [NAYES: 0] Motion **CARRIED**
 Andersen
 George
 Girka
 Millette
 O'Dwyer
 Tyrrell

REGULAR MEETING RESUMED at 10:36 p.m.

ROLL CALL - Clerk Quail called the Roll:

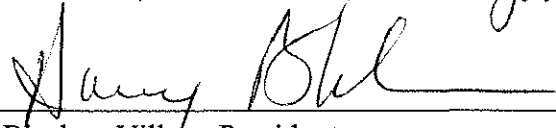
Present	Also Present
President Blecker	Administrator Searl
Trustee Andersen	Attorney Diamond
Trustee George	Clerk Quail
Trustee Girka	
Trustee Millette	
Trustee O'Dwyer	
Trustee Tyrrell	

17. **MOTION TO ADJOURN** was made by Trustee O'Dwyer and seconded by Trustee Tyrrell.

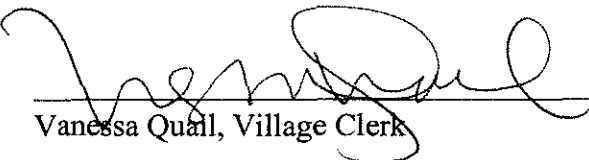
Voice Vote: [AYES: 5] [NAYES: 1] Motion **CARRIED**

The meeting adjourned at 10:38 p.m.

Approved this 20TH day of June, 2017



Harry Blecker, Village President



Vanessa Quail, Village Clerk