

REGULAR MEETING
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

November 12, 2018

CALL TO ORDER The Regular Meeting of the President and Board of Trustees of November 12, 2018 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:03 p.m. by President Mickey Straub

PLEDGE OF ALLEGIANCE Pledge of Allegiance was recited.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Mottl, Paveza, Mital, Snyder, Schiappa and President Straub. Also present were Village Administrator Doug Pollock, Assistant to the Village Administrator Evan Walter, Police Chief John Madden, Public Works Director Dave Preissig, Finance Director Jerry Sapp, Management Analyst Andrez Beltran; Village Attorney Scott Uhler and Village Clerk Karen Thomas.

RESIDENT COMMENTS

At the request of Mayor Straub, Village Administrator Doug Pollock reviewed the procedures and rules for public comment at a Board meeting. Mr. Pollock explained the primary purpose for Board meetings is for the Trustees to conduct Village business. Any resident concerns not on the Agenda should be directed to Village Staff during normal business hours. Mr. Pollock explained the guidelines for respectful behavior during a meeting. Anyone not following the rules of decorum by speaking out of turn or otherwise disrupting the meeting will be asked to refrain from such behavior or shall be asked to leave the meeting if they continue to be disruptive. Some of the rules include:

- Anyone wishing to speak must be recognized by the Mayor.
- Anyone wishing to speak must sign in.
- At the Mayor's discretion comments may be made during the Public Comments section of the Agenda or during the discussion of the Agenda item.
- Each speaker is limited to five minutes. Questions will be addressed after everyone has had the opportunity to speak or by Village Staff at a later time.

Resident Richard Morton spoke regarding the Resolution on the Agenda requesting immediate action and intervention regarding Sterigenics. He shared some research from an Illinois Public Health database for every incident of cancer. In the past fifteen years there appears to be more incidents of cancer in Villages near Sterigenics than in background cities further away from Sterigenics. He suggested the Village take steps to restrict transportation of ethylene oxide in the area.

Resident Alice Krampits questioned how to present issues not on the Agenda. She suggested concerns of residents should be addressed during Resident Comments allowing the Board of Trustees to address the issues during Other Considerations. She stated the issue of the barn and stables was asked to be remanded back to the Plan Commission but that did not happen. She requested that issue be added to a future agenda. Village Attorney Scott Uhler explained items for discussion can be added if there is no action taken.



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CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by President Mickey Straub, motion was made by Trustee Mottl and seconded by Trustee Snyder that the Consent Agenda – Omnibus Vote (attached as Exhibit A) (except 5A which was removed by Trustee Franzese), and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

AYES: 6 - Trustees Mottl, Snyder, Schiappa, Franzese, Paveza, Mital

NAYS 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

RECEIVE AND FILE DRAFT OF BICYCLE COMMITTEE MEETING MINUTES OF SEPTEMBER 19, 2018 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE DRAFT OF PLAN COMMISSION MEETING MINUTES OF OCTOBER 15, 2018 were noted as received and filed under the Consent Agenda by Omnibus Vote.

APPROVAL OF ORDINANCE REZONING PROPERTY FROM THE R-1 DISTRICT TO THE R-2A DISTRICT OF THE BURR RIDGE ZONING ORDINANCE (Z-24-2018: 15W601 89TH STREET: THALAMARLA) The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance.

THIS IS ORDINANCE NO. A-834-22-18

APPROVAL OF ORDINANCE APPROVING A VARIATION FROM SECTION XLC.11.A OF THE BURR RIDGE ZONING ORDINANCE TO ELIMINATE THE REQUIREMENT FOR A PERIMETER LANDSCAPE AREA ON THE REAR LOT LINE OF A PROPERTY AND FOR A VARIATION FROM SECTION IV.I.2 TO PERMIT PARKING SPACES WITHIN A REQUIRED 8-FOOT SIDE YARD SETBACK (V-04-2018: 150 SHORE DRIVE; PETROV) The Board, under the Consent Agenda by Omnibus approved the Ordinance.

THIS IS ORDINANCE NO. A-834-23-18

APPROVAL OF ORDINANCE CHANGING THE NAME OF ALICIA COURT TO JENNY COURT IN THE MEADOWBROOK PLACE SUBDIVISION The Board, under the Consent Agenda by Omnibus Vote, approved the Ordinance.

THIS IS ORDINANCE NO. 1180

ADOPTION OF RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF BURR RIDGE AND COOK COUNTY FOR THE PROVISION OF ENVIRONMENTAL HEALTH INSPECTION SERVICES The Board, under the Consent Agenda by Omnibus Vote, Adopted the Resolution.

THIS IS RESOLUTION NO. R-32-18



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ADOPTION OF RESOLUTION ADOPTING THE AMENDED 2018 DUPAGE COUNTY NATURAL HAZARDS MITIGATION PLAN AS AN OFFICIAL PLAN OF THE VILLAGE

The Board, under the Consent Agenda by Omnibus Vote, Adopted the Resolution.

THIS IS RESOLUTION NO. R-33-18

APPROVAL OF RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING REGARDING THE PEER JURY PROGRAM BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE VILLAGE OF BURR RIDGE

The Board, under the Consent Agenda by Omnibus Vote, Adopted the Resolution

THIS IS RESOLUTION NO. R-34-18

APPROVAL OF 2019 VILLAGE BOARD MEETING SCHEDULE The Board, under the Consent Agenda by Omnibus Vote, approved the 2019 Meeting Schedule

PRESENTATION OF CALENDAR YEAR 3RD QUARTER STRATEGIC GOALS UPDATE

The Board, under the Consent Agenda by Omnibus Vote, reviewed the 3rd Quarter Strategic Goals.

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR EQUIPMENT UP-FITTING NEW POLICE VEHICLE #1801 TO PUBLIC SAFETY DIRECT IN THE AMOUNT OF \$7,329.53

The Board, under the Consent Agenda by Omnibus Vote awarded the Contract to Public Safety Direct of Crestwood, Illinois in the amount of \$7,329.53

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SYSTEMS MAINTENANCE AT VILLAGE FACILITIES TO DYNAMIC HEATING & PIPING COMPANY OF CRESTWOOD, IL. IN THE AMOUNT OF \$13,630.00

The Board, under the Consent Agenda by Omnibus Vote awarded the Contract to Dynamic Heating & Piping Company in the amount of \$13,630.00

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR JANITORIAL SERVICES AT VILLAGE FACILITIES TO ECO CLEAN MAINTENANCE, INC. OF ELMHURST, ILLINOIS IN THE AMOUNT OF \$27,890.00

The Board, under the Consent Agenda by Omnibus Vote awarded the Contract to Eco Clean Maintenance, Inc. in the amount of \$27,890.00

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR THE PURCHASE OF REPLACEMENT VEHICLE FOR PUBLIC WORKS UNIT 36 (DIVISION SUPERVISOR PICKUP TRUCK) TO CURRIE MOTORS, OF FRANKFORT, IL. IN THE AMOUNT OF \$48,833.00

The Board, under the Consent Agenda by Omnibus Vote awarded the Contract to Currie Motors in the amount of \$48,833.00



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APPROVAL OF RECOMMENDATION TO AUTHORIZE PUBLIC WORKS DIRECTOR TO FILL VACANCY OF A FULL-TIME GENERAL UTILITY 1 POSITION the Board, under the Consent Agenda by Omnibus Vote authorized the Public Works Director to fill the vacancy.

APPROVAL OF REQUEST FROM WB/BR CHAMBER OF COMMERCE FOR CONTRIBUTION TO THE 2019 CHAMBER DIRECTORY the Board, under the Consent Agenda by Omnibus Vote approved the \$3,000 contribution to the WB/BR Chamber of Commerce.

APPROVAL OF VENDOR LIST DATED OCTOBER 22, 2018 IN THE AMOUNT OF \$1,193,974.35 FOR ALL FUNDS, PLUS \$180,375.62 FOR PAYROLL, FOR A GRAND TOTAL OF \$1,374,349.97 WHICH INCLUDES \$121,339.12 FOR SPECIAL EXPENDITURES FOR THE CHASEMOOR-LINCOLNSHIRE SIDEWALK PAVING The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor List for the period ending October 22, 2018 in the amount of \$1,193,974.35 for all funds, plus \$180,375.62 for payroll for the period ending October 6, 2018, for a Grand Total of \$1,374,349.97 which includes \$121,339.12 for special expenditures for the Chasemoor-Lincolnshire Sidewalk Paving.

APPROVAL OF VENDOR LIST DATED NOVEMBER 12, 2018 IN THE AMOUNT OF \$532,840.52 FOR ALL FUNDS, PLUS \$185,753.78 FOR PAYROLL, FOR A GRAND TOTAL OF \$718,594.30 WHICH INCLUDES \$90,767.00 FOR SPECIAL EXPENDITURES The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor List for the period ending November 12, 2018 in the amount of \$532,840.52 for all funds, plus \$185,753.78 for Payroll for the period ending November 3, 2018 for a Grand Total of \$718,594.30 which includes \$90,767.00 for Special Expenditures of \$67,886.00 for two new police vehicles and \$22,881.00 for Village Hall and Police Department HVAC equipment replacement.

APPROVAL OF REGULAR BOARD MEETING OF OCTOBER 8, 2018 Trustee Franzese requested this item be removed from the Consent Agenda. The statement on page 11124 that additional stacking was completed should be amended to read "additional stack testing was completed."

Motion was made by Trustee Franzese and was seconded by Trustee Mottl to approve the minutes of the Regular Board Meeting of October 8, 2018 with this correction.

On Roll Call, Vote Was:

AYES: 6 – Trustees Franzese, Mottl, Paveza, Mital, Snyder, Schiappa

NAYS : 0 – None

ABSENT: 0 – None

There being six affirmative votes the motion carried.

CONSIDERATION OF RESOLUTION REQUESTING IMMEDIATE ACTION AND INTERVENTION OF THE UNITED STATES AND ILLINOIS ENVIRONMENTAL



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PROTECTION AGENCIES REGARDING STERIGENICS IN WILLOWBROOK Village Administrator Doug Pollock summarized the Resolution prepared by Village Attorney Scott Uhler. It requests immediate action and intervention of the United States and Illinois Environmental Protection Agencies regarding Sterigenics in Willowbrook. Resolution specifically states the Board hereby requests US EPA and IEPA, under their authority, to further monitor, test and analyze the air quality at and around the Sterigenics facility in Willowbrook and adjacent communities. The Board requests the Illinois Attorney General and the DuPage County and Cook County State's Attorneys to enforce actions as they are authorized to ensure the protection of residents impacted by any discharges or emissions of ethylene oxide from Sterigenics. The Board resolves to take action to support and collaborate with these agencies to promote and ensure the safety of the air quality to protect area residents and workers from adverse health impacts of any discharges or emissions of ethylene oxide from Sterigenics. Written copies of this resolution will be sent to the US EPA, Illinois EPA, the Attorney General and the States Attorneys for continued action.

Trustee Snyder questioned if the involvement of the Village by approving this action could result in possible litigation and does not involve any cost to the Village. Attorney Scott Uhler confirmed that the Village becomes a litigant if the Village becomes involved in the action already filed by the Attorney General. The resolution before the Board does not involve the Village as being part of that litigation. Trustee Snyder asked if the Village could request becoming a part of the litigation without any repercussion to the Village. Mr. Uhler clarified if the Village was allowed to join the litigation, the Village would become subject to the entire process. Village Trustees, staff and any experts hired by the Village could possibly be involved in depositions. Trustee Snyder asked if the Village's insurance company would protect the Village or would the Village be responsible. Mr. Uhler stated he is not aware of insurance that would protect the Village should the decision be made to intervene.

Trustee Mottl questioned if there is any legal liability to passing the Resolution. Mr. Uhler stated the Resolution is supporting immediate action by the Agencies that have jurisdiction and he believes the Village would not incur any liability by approving the Resolution.

Trustee Mottl questioned the statement that Sterigenics is emitting elevated levels of cancer causing chemicals. If these emissions have ceased is there an issue having these statements in the Resolution from a Village stand point. Mr. Uhler stated this is based on the assessment from 2014 as well as current data.

Motion was made by Trustee Franzese and Seconded by Trustee Paveza to approve the Resolution requesting immediate action from the US EPA and IL EPA regarding Sterigenics in Willowbrook.

Trustee Paveza stated this seems redundant. Mr. Uhler confirmed the Village has an active action that has been filed with the Illinois Attorney General. This Resolution supports that action and reinforces the need for continued monitoring of the air quality.



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Trustee Mottl questioned if passing this motion limits future options to properly protect the residents. Mr. Uhler stated the Resolution expressly leaves open any and all options the Village has. Trustee Franzese explained this Resolution allows the Trustees the opportunity to speak on behalf of Village residents and reinforce what has already been said by Mayors and elected officials in the surrounding communities. Mr. Uhler reiterated the Resolution calls for cease and desist until it can be proven they operate in a safe and efficient manner. By approving the Resolution the Board is asking that all actions be taken to ensure the continued operation of the plant is safe for all area residents and workers.

On Roll Call, Vote Was:

AYES: 6 – Trustees Franzese, Paveza, Mital, Snyder, Schiappa, Mottl

NAYS : 0 – None

ABSENT: 0 – None

There being six affirmative votes the motion carried.

THIS IS RESOLUTION NO. R-35-18

CONSIDERATION OF A RESOLUTION OF SUPPORT AND FINANCIAL COMMITMENT FOR THE SAFE ROUTES TO SCHOOL GRANT FOR FLASHING PEDESTRIAN BEACONS ON WOLF ROAD

Village Administrator Doug Pollock introduced Management Analyst Andrez Beltran who has been working on seeking a grant for flashing beacons on Wolf Road. Mr. Beltran presented the Resolution supporting Safe Route to School Grant which is 100% reimbursable to the Village if granted. The Grant is normally awarded in March. If it is awarded to the Village, construction would begin in July, with completion approximately three weeks later.

Motion was made by Trustee Mottl and Seconded by Trustee Schiappa to approve the Resolution of Support and Financial Commitment for the Safe Routes to School Grant.

On Roll Call, Vote Was:

AYES: 6 – Trustees Mottl, Schiappa, Snyder, Mital, Paveza, Franzese

NAYS : 0 – None

ABSENT: 0 – None

There being six affirmative votes the motion carried.

THIS IS RESOLUTION NO. R-36-18

PRESENTATION AND DISCUSSION REGARDING NICOR METER MODERNIZATION REPLACEMENT PROGRAM

Village Administrator Doug Pollock introduced Nicor representative Diana Jenkins who explained the Advanced Meter Infrastructure (AMI) provides time synchronized interval meter data collection. This allows for daily reading of meters if necessary, however the device only activates every four hours for a few seconds. Nicor has begun communicating with Village residents advising them their vendor will be installing a two-way communication device on existing gas meter. Every resident will receive several notifications prior



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to the installation of this new technology. Gas service will not be interrupted during installation. The Vendors will be in uniform and carry Nicor Gas Contractor ID badges.

There was no action by the Board.

UPDATE REGARDING STERIGENICS IN WILLOWBROOK, IL Assistant to the Village Administrator Evan Walter said the most recent communication is a press release from the DuPage County Department of Health detailing their intention to test private wells within a mile to a mile and a half of the facility. Testing should begin within the month of November. Staff is anticipating receiving data from GHD, the consultant hired by the Village to conduct independent testing, by the end of November. He also advised there will be an Open House hosted by the US EPA on Thursday, November 29, 2018 at Ashton Place, Willowbrook. There will be opportunity for residents to receive updates and ask questions.

Mr. Walter said he attended recent hearing in Chicago. These hearings are in support of two bills before the State. Both bills would outlaw the use of ethylene oxide in Illinois by 2022.

Trustee Franzese referenced a spill of ethylene glycol in 2013 and asked if information is available as to the quantity of the spill, was the soil remediated and if so to what extent. Mr. Walter does not have the exact specifics but will follow up and post a report.

PRESENTATION OF PROPOSED TAX LEVY FOR 2019 Finance Director Jerry Sapp presented the proposed 2019 Tax Levy which is the first step in the annual budget process. The Tax Levy is proposed in November with a Public Hearing and Ordinance filed in December. The amounts are levied and collected by the County Assessor in 2019 and received as part of the fiscal year 2019 – 2020 budget. The Levy is comprised of three separate levies: the Corporate which is used for general governmental services, the Police Protection which is used for Police services and the Police Pension which is the employer contribution to the Police Pension Fund. He said the Village levies an amount under the tax cap limiting rate. That is the formula set up by the County's Assessor's Office and is a five step process. First the new Equalized Assessed Value (EAV) is estimated, then the limiting rate under the tax cap is calculated. The limiting rate is applied to the estimated new EAV and that determines the dollars available for the Tax Levy. The statutory requirement for Police Pension Levy is allocated and any remaining dollars are applied to the Corporate and Police Levy to complete the levy request.

Mr. Sapp stated that the 2017 Actual EAV was \$1,189,879,825 and the estimated EAV for 2018 is \$1,261,272,615. This estimate was determined by using a 2% increase in value and a 4% increase in new construction. When the limiting rate of .0996 is applied to the estimated EAV that calculates to \$1,256,195 in available property tax dollars. The Police Pension Fund receives \$758,505 and the General Fund receives the remaining \$498,000 in revenues.



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Mr. Sapp stated the Village has one of the lowest components of the tax bill representing less than 2% or \$0.016 of every tax dollar on the resident's tax bill. Using as an example a \$600,000 home could anticipate an increase of approximately \$4.18 in DuPage County and \$3.71 in Cook County.

The Village is required to hold a Public Hearing under the Truth in Taxation Law which will be held at the Regular Meeting of the Board on Monday, December 10, 2018. It is recommended that the proposed Tax Levy for 2018 be accepted and Staff be authorized to prepare the necessary notice for the Public Hearing on December 10, 2018.

In response to Trustee Schiappa's question if this is the same limiting rate as last year, Mr. Sapp stated it was .0995 last year and confirmed the estimate for this year is .0996. He also confirmed the limiting rate is the same for both Cook and DuPage Counties.

Motion was made by Trustee Schiappa and Seconded by Trustee Snyder to accept the proposed Tax Levy for 2018 and direct Staff to prepare the necessary notice for a Public Hearing to be held on December 10, 2018.

On Roll Call, Vote Was:

AYES: 6 – Trustees Schiappa, Snyder, Mital, Paveza; Mottl, Franzese

NAYS : 0 – None

ABSENT: 0 – None

There being six affirmative votes the motion carried.

PRESENTATION OF OPTIONS FOR FUNDING CAPITAL IMPROVEMENTS/ROAD PROGRAM Village Administrator Doug Pollock stated most services are funded by the General Fund, which typically has a surplus at the end of the year. The surplus is transferred to other funds for expenditures. These surpluses have decreased over the years and thus the need to address Capital Project funds.

Capital Projects Funds include the Road Program and Arterial Street Projects, Village Capital Improvements, Sidewalk and Pathway Fund, Equipment Replacement Fund and Stormwater Management Fund. Due to long term trends of decreases in the General Fund Surpluses and increase in percentage of Property Tax that goes toward Police Pension Fund, other funding needs to be addressed, most specifically for the Village's Road Program.

The Sidewalk and Pathway Fund is exclusively funded from Developer Donations and Grants. A deficit in this fund will begin in 19-20 Fiscal Year. No new projects are currently planned beyond FY 20-21. The 2009 Sidewalk and Pathway Plan included \$1 million in high priority projects that have not been done. Sidewalk maintenance also includes an estimated \$500,000 in asphalt replacement projects.



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The Equipment Replacement Fund has received transfers from the General Fund. This fund shows a deficit in FY 19-20, however with the cancellation of purchasing a street sweeper this deficit was deferred to FY 20-21. The funding strategy had been to transfer surpluses as they became available and to delay purchases whenever possible. This Fund reserve needs to be increased significantly.

The Storm Water Management Fund receives revenues from Permit Fees and transfers from the General Fund. This Fund Reserve needs to be increased. Recently, funds were transferred from the General Fund to pay for repairs to a storm pipe on Deer Path Trail.

The Capital Improvement Fund has historically received revenue from Grants for Arterial Street Projects and matching funds from General Fund transfers. One time revenue sources for other capital expenditures are transferred from other sources such as the IRMA reserves or transfers from the General Fund. The Annual Road Program is progressive in maintaining Village streets. This is a reoccurring annual project and requires consistent and reliable funding. On average \$750,000 is spent per year on the Road Program, of which 40% comes from Motor Fuel Tax and 50% to 60% from General Fund Transfers.

The General Fund Surplus is declining due mainly to increased percentage of Property Tax dedicated to the Police Pension Fund and declining revenues from Building Permits.

The recommended strategy for funding capital projects is to find a reliable revenue stream dedicated to the annual Road Program. This would allow General Fund Transfers, Developer Donations and Grants to fund other Capital Projects Funds.

Some options for dedicated Road Program Revenue Stream include imposing the additional ¼% Non-Home Rule Sales Tax which was originally approved by referendum for ½% however the Board chose to implement ¼% at that time. The other ¼% can be imposed at any time by action of the Board which could generate approximately \$350,000 annually in revenue. Another option is reinstatement of the Vehicle Sticker program which could generated \$350,000 - \$500,000 annually. Issuing Bonds is another option however it is not an efficient way to increase Funds. A Referendum to increase property tax with that increase dedicated to the Capital Projects Fund is also a possibility. Becoming Home Rule Community would allow for additional taxing authority as well as expanded use of the Hotel/Motel tax revenue.

Mayor Straub requested an explanation of Home Rule. Village Attorney Scott Uhler explained a Non-Home Rule Community can become Home Rule by population increase. A community with a population of 25,000 automatically becomes Home Rule. A Community can also request a referendum to become Home Rule be placed on the Ballot. A Non-Home Rule municipality only has powers set forth by State statute. Home Rule has the ability to regulate any area that relates to Government and affairs. The only limit on Home Rule powers is if the State has legislated that Home Rule Units are limited but the State has to speak expressly to limit the authority.

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Other strategies for funding Capital Projects Funds include Economic Development generating businesses and increasing Sales Tax. Mr. Pollock stated it would be challenging to increase sufficient revenues from economic development to fund all of the capital projects. Other options include Special Assessment or Special Service areas, continuing with the current policy of transferring revenues from other funds, reducing programs if transfers are insufficient, cutting costs in other departments via reduced personnel and reducing services provided.

Staff is requesting discussion by the Board of options and strategies for funding Capital Projects Funds and direction on how to proceed with the Capital Projects Fund budget for fiscal year 19-20.

Mr. Pollock stated that despite reduction in revenues the current Board and previous Boards have managed to maintain other costs to continue the Road Program and maintain a high level of services.

A suggestion was made to discuss this issue at a later Board meeting or during Budget Workshops. Trustee Schiappa recommended discussions should begin now, before the Budget season. Trustee Snyder suggested this information should be posted on the website in the interest of transparency.

There was additional discussion.

Mr. Pollock suggested the information be posted on the website and discussed further in the budget process.

No action was taken by the Board.

CONSIDERATION OF REQUEST FOR VARIATION BY SPECTRUM SENIOR LIVING FROM 2011 NATIONAL ELECTRICAL CODE REGARDING PLACEMENT OF DWELLING UNIT RECEPTACLE OUTLETS

Assistant to the Village Administrator Evan Walter explained Section 705 of the Building Ordinance states the Village Board shall function as Board of Appeals as it relates to the Building Ordinance. There is no Plan Commission recommendation, the request came straight to the Board. The development of Spectrum Senior Living is coming to an end with a Temporary Certificate of Occupancy having been issued. However, about a third of the units are in strict violation of the 2011 National Electrical Code regarding location of outlets in kitchen areas. Section 210 of the NEC provides spacing requirements for outlets in kitchen areas so as to prevent the need for extension cords. 58 of the 192 units within Spectrum have been built with improper outlet spacing. The developer has stated it would be approximately three-week delay and cost approximately \$150,000 to remedy the matter.

Mr. Walter introduced Sean Fallows, Fire Protection Supervisor & Special Project Coordinator, B & F Construction Code Services. He explained that for every countertop that is at least one-foot-wide an outlet two feet from the ends is required with four feet in between outlets. One outlet was centered on a 4.9-foot wall, two feet from one end and 2.9 from the other end, thus exceeding the two feet maximum. Additionally, on the peninsula the outlet was three feet from the wall. The design phase



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showed five outlets above the counter along the peninsula however there are only three which creates a spacing issue.

Trustee Snyder asked if this was missed in the rough inspection or if it was altered. Mr. Fallows stated the original plans showed it centered on the wall.

Mayor Straub asked what the consequences would be to fix the situation. Mr. Fallows stated the Building Code does not offer any relief. The developer is required to provide a code compliance solution.

Trustee Schiappa asked what is NEC. Mr. Fallows explained it is adopted electrical standard and is what determines additional outlets are required. The designs met the electrical code. When questioned why the electrician didn't follow the code Mr. Fallows stated it was unintentional in an effort to maintain spacing.

Trustee Franzese asked if the architect's drawings were correct. Mr. Fallows stated the outlet was centered on the wall in the scale drawings which are not dimensional. Mr. Fallows confirmed it was not discovered during the electrical rough inspection but during the final inspection.

Mr. Van Winkle, architect of record, stated many people ultimately should have discovered this error. There was a difference in interpretation of the code. The outlet located on the peninsula is actually not in the functional area of the kitchen where the outlet requirements apply. An opinion was obtained from the National Fire Protection Agency (NFPA), who oversees the NEC, which agrees with their position. The spirit of the code is to avoid extension cords and the fire hazard they represent. He does not believe that hazard exists in this situation. The electrical engineer shared concerns about having an outlet too close to the refrigerator. Although technically this does not meet the code there is good reason why this might be acceptable at this stage of the project. Spectrum cannot allow extension cords in the building and staff does monitor the units for unlawful use of extension cords.

Mr. Enyeart, from Spectrum reiterated as owners of this building they are addressing the issues brought up by B & F. These electrical issues 'fell through the cracks' and weren't discovered until the eleventh hour. They are asking for consideration to allow these issues, which don't have a life safety effect and don't affect the residents' use of the space, to remain as is. Postponing opening for three weeks could have detrimental effect on residents moving into the facility.

Mr. Van Winkle explained that there is a full dining facility so the residents typically do not cook in their kitchens.

Trustee Snyder clarified with Mr. Walter that the requirement is five outlets but there are only three. Mr. Walter stated that ultimately the Village could grant a Variation to the Code.



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Trustee Schiappa expressed surprise that this issue was missed by numerous people during the process.

Trustee Mital questioned if the outlets under the peninsula counted toward the five required outlets. Mr. Walter stated those would actually be considered part of the living room. She asked if there would be consideration to allow residents to move in before the work is done. Mr. Walter explained it does not affect all units so they can be occupied as needed but the affected units do need to be fixed. Mr. Van Winkle explained that in the original drawings there was a short wall along the peninsula which would require the five outlets. Since the wall was removed from the design, the counter which is less than twelve inches wide is no longer considered part of the kitchen and should no longer require five outlets. Trustee Mital stated there should be sufficient number of outlets to avoid the use of extension cords. She suggested giving time to complete the work.

Trustee Paveza asked Attorney Uhler if the Village could be drawn into any issues which may arise because of approving a project not up to code. Mr. Uhler stated the issue of liability is based on professional judgement.

Trustee Franzese requested a copy of NFPA report and questioned why some units had correct installation. Mr. Enyeart stated there are seven different models and this issue did not occur in all of the models. Trustee Franzese questioned the peninsula being considered part of the living room if it is a counter to be used for eating. Mr. Enyeart explained it is not considered part of the kitchen prep area and the outlets under the peninsula are not considered part of the required outlets for the kitchen. Trustee Franzese asked how many outlets would need to be added and the cost of installation. Mr. Enyeart stated it would be about 100 outlets for a cost of approximately \$50,000. The more concerning aspect would be the delay in obtaining licensing for full Certificate of Occupancy (CO). Trustee Franzese questioned if Spectrum would accept allowing residents to move in and perform the work at a later date within a specific time frame. Mr. Enyeart responded that with the Temporary Certificate of Occupancy that the Village has issued, staff are allowed to move into the building, but not residents. Mr. Van Winkle explained the Illinois Department of Health will also need to inspect the buildings but that cannot be scheduled until the Village approves the final. He confirmed that has to happen prior to residents moving in.

Village Administrator Doug Pollock confirmed Spectrum needs the full unconditional Certificate of Occupancy before proceeding with State Licensing. Mr. Pollock asked Mr. Uhler if the CO could be issued with a side agreement to have the work done at a later date. Mr. Uhler stated the Village could enter into a Binding Agreement to issue the CO allowing them to proceed with licensing and they commit to completing the work that is required.

Motion was made by Trustee Schiappa and seconded by Trustee Snyder to approve a waiver of the requirements in Section 210 of the National Electric Code with the intent of permitting a full Certificate of Occupancy at Spectrum Senior Living at 16W301 91st Street subject to the completion

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of an executed agreement with the Village providing for the completion of all items required by Section 210 of the National Electric Code at the facility.

Trustee Franzese questioned if this requires compliance with the code. Mr. Walter explained this request is to receive a CO to move forward but will need to be in complete compliance with NEC on this item. This is granting a temporary variation.

Trustee Snyder requested a deadline. Mr. Walter suggested 120 days.

Trustee Schiappa amended the motion to include a deadline of 120 days to complete the work.

On Roll Call, Vote Was:

AYES: 6 – Trustees Schiappa, Snyder, Mital, Paveza, Mottl, Franzese

NAYS : 0 – None

ABSENT: 0 – None

There being six affirmative votes the motion carried.

OTHER CONSIDERATIONS Trustee Franzese requested the next agenda include the recently discussed variation for the house and barn facility on 91st Street. Trustee Franzese stated it is possible the Plan Commission was given inaccurate information as to what the standard is for accessory structures which may have affected their decision. Attorney Scott Uhler explained in order to remand the issue to the Plan Commission the Board needs a motion to rescind the recommendation presented by the Plan Commission. The motion to rescind a prior decision requires two thirds majority and a majority to remand the issue to the Plan Commission. The motion cannot be addressed at this Board Meeting it would need to be made at the next Board Meeting.

RESIDENT COMMENTS Resident Alice Krampits stated some residents believe a Plan Commissioner violated the ethics code. It is believed the Plan Commissioner should have recused themselves from the discussion. She suggested Village Administrator Doug Pollock review with all the Plan Commissioners to remind them of policies and remind them as to when they should recuse themselves. She stated there has been a recent change to the Village Board's and Plan Commission's process. The approval of the Plan Commission's recommendation was combined with approval of the Ordinance thereby removing a grace period to make possible corrections. She requested the Village Administrator would add this new policy to the Agenda for discussion and questioned if an Ordinance can be approved before it is written.

Village Administrator Doug Pollock explained in an effort to expedite unanimous, non-controversial recommendations the recommendation letter and Ordinance are considered at the same Board meeting. The Board has the option to receive the Recommendation and approve the Ordinance at two separate meetings.



Regular Meeting
President and Board of Trustees, Village of Burr Ridge
November 12, 2018

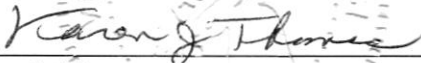
Resident Stanley Smola had questions about the easement behind his house. Village Administrator Doug Pollock advised him this concern can be addressed at the staff level and referred him to Assistant to the Village Administrator Evan Walter.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS There were none
NON-RESIDENT COMMENTS There were none

Motion was made by Trustee Mottl and seconded by Trustee Schiappa that the Regular Meeting of November 12, 2018 be adjourned to a closed session for the purpose of approval of Closed Session Minutes of September 10, 2018, discussion regarding pending litigation and for personnel issues and discussion of a possible vacancy.

Motion carried by voice vote and the meeting was adjourned to a Closed Session at 9:45 p.m.

PLEASE NOTE: Where there is no summary or discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.



Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 10th day of December, 2018.



RECONVENED REGULAR MEETING

PRESIDENT AND BOARD OF TRUSTEES,
VILLAGE OF BURR RIDGE, IL
November 12, 2018

CALL TO ORDER The Regular Meeting of the President and Board of Trustees of November 12, 2018 was reconvened at 10:30 p.m. with the same Trustees in attendance as immediately preceding the Closed Meeting from 7:03 p.m. to 9:45 p.m.

RECONVENE REGULAR MEETING Motion was made by Trustee Paveza and seconded by Trustee Mottl that the Regular Meeting of November 12, 2018 be reconvened.

Motion carried by voice vote 2, 1 vote.

MAYOR STRAUB ANNOUNCED HIS RESIGNATION
will resign effective November 19, 2018.

Mayor Straub announced he

ADJOURN REGULAR MEETING Motion was made by Trustee Franzese and seconded by Trustee Snyder that the Regular Meeting of November 12, 2018 be adjourned


On Roll Call, Vote Was:


AYES: 6 – Trustees

NAYS: 0 – None

ABSENT 0 – None

There being six affirmative votes, the motion carried and the Regular Meeting of November 12, 2018 was adjourned at 10:33p.m.


Karen J. Thomas
Village Clerk
Burr Ridge, Illinois


J. Douglas Pollock
Village Clerk Pro-Tempore
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 10th day of December, 2018.

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REGULAR MEETING – MAYOR & BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE
November 12, 2018
7:00 p.m.

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **RESIDENTS COMMENTS**
4. **CONSENT AGENDA – OMNIBUS VOTE**

All items listed with an asterisk (*) are considered routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so request, in which event the item will be removed from the Consent Agenda.

5. **MINUTES**

- A. * Approval of Regular Board Meeting of October 8, 2018
- B. * Receive and File Draft of Bicycle Committee Meeting of September 19, 2018
- C. * Receive and File Draft of Plan Commission Meeting of October 15, 2018

6. **ORDINANCES**

- A. * Approval of An Ordinance Rezoning Property from the R-1 District to the R-2A District of the Burr Ridge Zoning Ordinance (Z-24-2018: 15W601 89th Street; Thalamarla)
- B. * Approval of An Ordinance Approving A Variation From Section XI.C.11.A of the Burr Ridge Zoning Ordinance to Eliminate the Requirement for a Perimeter Landscape Area on the Rear Lot Line of a Property and for a Variation From Section IV.I.2 to Permit Parking Spaces Within a Required 8-Foot Side Yard Setback (V-04-2018: 150 Shore Drive; Petrov)
- C. * Approval of An Ordinance Changing the Name of Alicia Court to Jenny Court in the Meadowbrook Place Subdivision

7. **RESOLUTIONS**

- A. Consideration of Resolution Requesting Immediate Action and Intervention of the United States and Illinois Environmental Protection Agencies Regarding Sterigenics in Willowbrook

- B. Consideration of A Resolution of Support and Financial Commitment for the Safe Routes to School Grant for Flashing Pedestrian Beacons on Wolf Road
- C. * Adoption of Resolution Authorizing an Intergovernmental Agreement Between the Village of Burr Ridge and Cook County for the Provision of Environmental Health Inspection Services
- D. * Adoption of Resolution Adopting the Amended 2018 DuPage County Natural Hazards Mitigation Plan as An Official Plan of the Village
- E. * Approval of Resolution Authorizing the Execution of a Memorandum of Understanding Regarding the Peer Jury Program Between the Village of Downers Grove and The Village of Burr Ridge

8. **CONSIDERATIONS**

- A. Presentation and Discussion Regarding Nicor Meter Modernization Replacement Program
- B. Update Regarding Sterigenics in Willowbrook, IL
- C. Presentation of Proposed Tax Levy for 2019
- D. Presentation of Options for Funding Capital Improvements/Road Program
- E. Consideration of Request for Variation by Spectrum Senior Living from 2011 National Electrical Code Regarding Placement of Dwelling Unit Receptacle Outlets
- F. * Approval of 2019 Village Board Meeting Schedule
- G. * Presentation of Calendar Year 3rd Quarter Strategic Goals Update
- H. * Approval of Recommendation to Award Contract for Equipment Up-Fitting New Police Vehicle #1801 to Public Safety Direct in the amount of \$7,329.53.
- I. * Approval of Recommendation to Award Contract for Heating, Ventilation, and Air Conditioning (HVAC) Systems Maintenance at Village Facilities to Dynamic Heating & Piping Company of Crestwood, IL, in the amount of \$13,630.
- J. * Approval of Recommendation to Award Contract for Janitorial Services at Village Facilities to Eco Clean Maintenance, Inc. of Elmhurst, Illinois, in the amount of \$27,890.00
- K. * Approval of Recommendation to Award Contract for the Purchase of Replacement Vehicle for Public Works Unit 36 (Division Supervisor Pickup Truck) to Currie Motors, of Frankfort, IL, in the Amount of \$48,833.00.

- L. * Approval of Recommendation to Authorize Public Works Director to Fill Vacancy of a Full-Time General Utility I Position
- M. * Approval of Request from WB/BR Chamber of Commerce for Contribution to the 2019 Chamber Directory
- N. * Approval of Vendor List dated October 22, 2018 in the Amount of \$1,193,974.35 for all Funds, plus \$180,375.62 for Payroll, for a Grand Total of \$1,374,349.97, which includes \$121,339.12 for Special Expenditures for the Chasemoor-Lincolnshire sidewalk paving.
- O. * Approval of Vendor List dated November 12, 2018 in the Amount of \$532,840.52 for all Funds, plus \$185,753.78 for Payroll, for a Grand Total of \$718,594.30, which includes \$90,767.00 for Special Expenditures
- P. Other Considerations – For Announcement, Deliberation and/or Discussion only – No Official Action will be Taken

9. RESIDENT COMMENTS

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. NON-RESIDENT COMMENTS

12. CLOSED SESSION

A. Approval of Closed Session Minutes of September 10, 2018

B. Discussion Regarding Pending Litigation

13. RECONVENED MEETING

14. ADJOURNMENT