

REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

July 22, 2019

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of July 22, 2019 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:01 p.m. by Mayor Gary Grasso.

PLEDGE OF ALLEGIANCE Pledge of Allegiance led by Mrs. Janet Grasso

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Schiappa, Paveza, Snyder, Mital, Mottl (via teleconference; he stated he was teleconferencing due to business obligations) and Mayor Grasso. Also present were Village Administrator Doug Pollock, Deputy Chief Marc Loftus, Director of Public Works Dave Preissig, Assistant Village Administrator Evan Walter, Village Attorney Mike Durkin, and Village Clerk Karen Thomas.

Motion was made by Trustee Snyder and seconded by Trustee Mital to approve Trustee Mottl's participation via electronics.

The Motion was approved by a unanimous voice vote of the Board of Trustees.

PRESENTATIONS AND PUBLIC HEARINGS There were none.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by Mayor Gary Grasso, motion was made by Trustee Schiappa and seconded by Trustee Mital that the Consent Agenda – Omnibus Vote (attached as Exhibit A), and the recommendations indicated for each respective item, be hereby approved. Any item removed from the Consent Agenda, will be discussed by the Board, opened for public comment, and voted upon during this meeting.

The Motion was approved by a unanimous voice vote of the Board of Trustees.

RECEIVE AND FILE DRAFT OF PATHWAY COMMISSION MEETING MINUTES OF JULY 11, 2019 were noted as received and filed, under the Consent Agenda.

APPROVAL OF AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XI, SECTION 2.67 OF THE BURR RIDGE MUNICIPAL CODE REGARDING ORDER OF BUSINESS ("AGENDA") FOR MEETINGS OF THE BOARD OF TRUSTEES the Board, under Consent Agenda, approved the Ordinance.

THIS IS ORDINANCE NO. A-781-02-09

ADOPTION OF RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY AND THE VILLAGE OF BURR RIDGE FOR RELOCATION OF A 36 INCH DIAMETER

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WATER MAIN ADJACENT TO AND UNDER THE TOLLWAY'S MILE LONG BRIDGE

the Board, under Consent Agenda, Adopted the Resolution.

THIS IS RESOLUTION NO. R-24-19

ADOPTION OF RESOLUTION APPROVING LICENSE AMENDMENT WITH THE FOREST PRESERVE DISTRICT OF COOK COUNTY

the Board, under Consent Agenda, Adopted the Resolution.

THIS IS RESOLUTION NO. R-25-19

APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR THE 2019 WATER MAIN REPLACEMENT PROJECTS TO CECCHIN PLUMBING & HEATING, INC. OF BLOOMINGDALE, ILLINOIS, IN THE AMOUNT OF \$1,030,143

the Board, under the Consent Agenda, Awarded the Contract to Cecchin Plumbing & Heating, Inc. in the amount of \$1,030,143.

APPROVAL OF REQUEST FOR RAFFLE LICENSE FOR AGING CARE CONNECTIONS AND HOSTING FACILITY LICENSE FOR CHICAGO MARRIOTT SOUTHWEST AT BURR RIDGE FOR A FUNDRAISING EVENT ON SEPTEMBER 13, 2019

the Board, under Consent Agenda, approved the request.

RECEIVE AND FILE LETTER OF RESIGNATION OF PART-TIME GENERAL UTILITY 1 WORKER CONNOR RICH

the Board, under Consent Agenda, accepted Letter of Resignation.

APPROVAL OF RECOMMENDATION FOR PUBLIC WORKS DIRECTOR TO FILL THE VACANCY OF PART-TIME GENERAL UTILITY 1 WORKER CREATED BY THE RESIGNATION OF CONNOR RICH

the Board, under Consent Agenda, approved the recommendation.

APPROVAL OF RECOMMENDATION TO APPROVE TEMPORARY SIGN PLACEMENTS REQUESTED BY THE BURR RIDGE PARK DISTRICT FOUNDATION FOR THE PEDAL THE PARKS EVENT ON SUNDAY, SEPTEMBER 8, 2019

the Board, under Consent Agenda, approved the recommendation.

APPROVAL OF VENDOR LIST DATED JULY 22, 2019 IN THE AMOUNT OF \$469,940.16 FOR ALL FUNDS, PLUS \$205,490.22 FOR PAYROLL, FOR A GRAND TOTAL OF \$675,430.38, WHICH INCLUDES NO SPECIAL EXPENDITURES

The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor List for the period ending July 22, 2019 in the amount of \$469,940.16 for all funds, plus \$205,490.22 for Payroll for the period ending July 13, 2019, for a Grand Total of \$675,430.38 which includes no special expenditures

CONSIDERATION OF REGULAR BOARD MEETING MINUTES OF JULY 8, 2019

Mayor Grasso and Trustee Franzese requested this item be removed from the Consent Agenda to clarify for



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the record that Trustee Franzese abstained from the voice vote regarding the motion to appoint Trustee Franzese as President Pro Tem.

Motion was made by Trustee Franzese and seconded by Trustee Snyder to approve the Regular Board Meeting Minutes of July 8, 2019 for publication.

The Motion was approved by a unanimous voice vote of the Board of Trustees.

CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE II OF THE BURR RIDGE BUILDING ORDINANCE TO ADOPT AN EXPEDITED RESIDENTIAL AND COMMERCIAL PERMIT AND EXPEDITED FEE SCHEDULE

Assistant Village Administrator Evan Walter explained this request was brought forward by a developer in the community. Staff reviewed current procedures and found a method for establishing an expedited permit schedule. Under current procedures, plans are reviewed in the order in which they are received. The first review takes fourteen business days, with each subsequent review taking ten business days. An expedited review would be completed in five business days for the first and all subsequent reviews. The fee would be needed to help pay for additional help that may be required, as well as for the privilege of moving before other permits which may have been submitted first. The proposed expedited fee for Commercial permits would be 250% of the normal review fee and 150% for Residential permits. The disparity in the fee is due to the fact that Commercial permits are more complex, require more codes to reference and take longer to review. Expedited reviews would still require the same documents as a standard permit.

Trustee Schiappa questioned what the repercussion would be if the expedited deadline was missed. Mr. Walter explained after reviewing the process Staff does not foresee having an issue with missing the deadline. Village Administrator Doug Pollock clarified that if the deadline was missed the expedited fee would be refunded.

Mayor Grasso asked what justification is given to the other applicants waiting for their permits. Mr. Walter explained that permits are generally reviewed in less than the allotted fourteen days. Expediting a permit ahead of standard permits may cause a day or two delay but the review would still be completed within the fourteen-day time frame. Mr. Pollock stated that a consultant would be hired if delays are anticipated but the goal is to review permits on time.

Trustee Franzese expressed concern about asking Staff to do more. He asked if the fourteen days was a problem with a lot of developers. Mr. Walter stated it is not a problem for most developers however it is more meaningful to developers with bulk permits. Trustee Franzese asked if this fee was comparable to other municipalities. Mr. Walter stated it is average. Trustee Franzese questioned if the fee was high enough. Mr. Walter explained that after analyzing the process, Staff believes this is an appropriate fee for premium service.



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Trustee Mital asked if there has been a lot of requests for expedited service. Mr. Walter confirmed there has been, mainly for Commercial but there have been some for residential as well.

Motion was made by Trustee Mital and seconded by Trustee Snyder to Approve the Ordinance amending Article II of the Building Ordinance to adopt an Expedited Residential and Commercial Permit and Expedited Fee Schedule.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 0 – None

There being six affirmative votes the motion carried.

THIS IS ORDINANCE NO. A-1124-01-19

UPDATE REGARDING STERIGENICS IN WILLOWBROOK, IL Village Administrator Doug Pollock stated on July 17, 2019 the Attorney General and DuPage State's Attorney announced they agreed to a settlement with Sterigenics which would allow them to proceed with their permit application with the Illinois EPA. If the permit is approved, Sterigenics could potentially be allowed to reopen one of the two buildings in Willowbrook. The permit application includes retrofitting the building to comply with the recently adopted legislation in the State of Illinois. DuPage County Circuit Court will consider this agreement at a hearing scheduled for July 24, 2019 at 1:00 P.M. at the DuPage County Court House. The Illinois EPA will be holding a public hearing regarding Sterigenics' permit application on Thursday, August 1, 2019 at 6:00 P.M. at Ashton Place. This meeting has been advertised on the Village's website and social media. A suggestion was made by a resident to mail notification however that seems impractical given the short time frame and the amount of work involved.

Trustee Paveza expressed concern that there is no liability for what has happened in the past. He has not read anything that explains a reason for the settlement. Mayor Grasso confirmed the proposed Consent Decree includes provisions that would find no fault as to Sterigenics but it does not absolve them from a civil stand point.

Trustee Schiappa expressed disappointment that State officials have failed, and settled with Sterigenics.

Trustee Franzese also expressed disappointment with State officials. He is reviewing the Permit Application. He encouraged residents to attend the Court Hearing and Public Hearing.

Trustee Mital stated she is disheartened. If there is even 1% correlation that Sterigenics is leading to a higher incidence of cancer it does not belong in the neighborhood.



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Trustee Snyder appreciates the efforts of Trustee Franzese and the Environmental Quality Commission.

Mayor Grasso stated Judge Fullerton still has the Village's petition to intervene as a plaintiff in the case. The Village's Attorneys will ensure the petition is heard by the Court and request the Judge rule on it. If the petition is approved, the Village is in a better position to object to the Consent Decree. Willowbrook, Hinsdale, Darien as well as Burr Ridge were not notified of the Consent Decree until eleven hours before it was being presented to the Court. Mayor Grasso believes the Village should stand strongly against the Consent Decree and the reopening of Sterigenics. He encouraged residents to appear in Court on July 24, 2019 to show the Judge this is opposed.

Resident Vince Headington expressed his appreciation that the Mayor and Board are unified in opposition to Sterigenics agreement. He stated any emission from a known carcinogen is not to be permitted. He supports and encourages all efforts to remove Sterigenics from the neighborhood.

Resident Maureen Headington stated this is not the first time Burr Ridge has faced toxins in the community. She spoke of issues with well water supplementing Lake Michigan water twenty-seven years ago and her efforts to resolve it with the Village of Burr Ridge. She said there is a lot that can be done and the Governor's office should be targeted with opposition to Sterigenics.

Resident Richard Morton expressed anger and disappointment with the Consent Decree. He believes State's Attorney Robert Berlin, Attorney General Kwame Raoul & Director of Illinois EPA John Kim need to answer for the secrecy surrounding the Consent Decree. The Decree does not address dangerous background levels of Ethylene Oxide that exist beyond closing Sterigenics and the IL EPA must make that a priority.

Resident Jen McConahy questioned if Judge Fullerton's decision on the Consent Decree would automatically remove Burr Ridge from being able to join the lawsuit. Mayor Grasso responded the Judge could procedurally revoke the Village's petition but the Village would have other options.

Mayor Grasso commented the Village Board is united and will remain vigilant to stop Sterigenics from ever opening again.

Resident Vince Headington asked if there would still be a hearing on Wednesday, July 24, in the event a settlement is made. Mayor Grasso does not know but hopes Judge Fullerton would let the lawyers be heard.

UPDATE AND DISCUSSION REGARDING THE STATE OF ILLINOIS CANNABIS REGULATION AND TAX ACT Mayor Grasso requested this be added to the Agenda to begin a conversation. The Act becomes law in January legalizing Cannabis. Villages can opt out of allowing dispensaries and cultivation centers. Village Administrator Doug Pollock stated the law permits the cultivation, sales and use of recreational Cannabis throughout the State of Illinois. Local Governments



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have the option of allowing a legal, licensed Cannabis business, such as a cultivation facility, a smoking lounge or a retail store. The Village can choose which type of business would be allowed or not allowed. If the Village decides to opt out, an Ordinance would need to be passed saying the Village will prohibit these businesses. If the Village opts in, the Zoning Ordinance would need to be amended to classify the various types of Cannabis businesses, in which districts they would be permitted, and in which districts a Special Use would be required. One factor to consider is the significant Sales Tax dollars involved. A single Cannabis retail store is conservatively estimated to generate \$10,000,000 annually which could possibly equate to \$400,000 to \$500,000 a year in sales tax revenue.

Mayor Grasso stated this is open for discussion but a decision is not being made tonight.

Trustee Snyder asked if any communities that were contacted were opting in. Mr. Pollock responded he has not heard from neighboring communities yet but Naperville opted out. Mr. Walter stated he has called around twenty Villages. Oak Brook plans to opt out while Lombard plans to opt in. Many other communities are still in the research phase. Bordering communities have not taken any official action at this time.

Trustee Franzese appreciates getting the discussion started to determine if this is good for Burr Ridge.

Trustee Schiappa asked when the decision needs to be made. Mr. Pollock advised the decision needs to be made by January 1, 2020. He believes many communities will want the businesses because of the revenue potential. He cautioned that waiting too long to opt in may eliminate the opportunity because of the competition. He suggested acting prudently however quickly to make a decision.

Mayor Grasso stated that banks are struggling with what to do with deposits from dispensaries or cultivation facilities because of Federal banking regulations.

Trustee Snyder asked how large a retail store would be to generate \$10,000,000 annually. Mr. Pollock said about 5,000 square feet. Mr. Walter confirmed the average size retail store is 5,000 square feet.

Trustee Mital asked if there is any research on the effect to communities which have these dispensaries. Mr. Walter responded that communities in Illinois with medical dispensaries report few problems because medical dispensaries are extremely tightly regulated. Mr. Pollock added that Staff will follow up with more information on crime stats around medical facilities. The Legislation requires the stores to have cameras throughout the property and ID cards have to be scanned or the store could be closed. Security is quite detailed in the legislation.

Mayor Grasso requested that questions be submitted to Mr. Pollock or Mr. Walter. This topic will appear on the Agenda in the future at which time a Public Hearing may be suggested to understand what the residents want.

PUBLIC COMMENTS There were none.



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REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS Mayor Grasso announced Supreme Court Justice John Paul Stevens died at 99. When he was first appointed to the Supreme Court he was a Burr Ridge resident. Stevens Park is named after Judge Stevens.

Mayor Grasso congratulated resident Peter Thornton who finished first in the Cruising Division of the Mackinac Race.

Mayor Grasso noted upcoming concerts. July 26, 2019, Dancing Queen, August 2, 2019, Reckless, August 9, Millennials will perform. August 2 is Village Employee night and all employees are encouraged to attend.

Village Administrator Doug Pollock announced that earlier in the year the Police and Public Works departments submitted some Grant applications to the Cook County Department of Homeland Security and Emergency Management. As a result, the Village has been awarded over \$117,000 toward security projects, specifically security upgrades at the Village Hall, security upgrades to the water distribution at the Pump Center and also for the Water Transmission Main Interconnection with the West Suburban Water Commission. Details will be provided as these upgrades proceed. Village Hall security upgrades are intended to be incorporated with some Village Hall remodeling to improve Public areas of the Village Hall. Mr. Pollock thanked Director of Public Works Dave Preissig, Chief John Madden and Deputy Chief Marc Loftus for their efforts.

Mayor Grasso said that he does not believe the Board can vote on whether or not to destroy the Verbatim Recordings of Closed Session in a Closed Session. The Board has the right under State Law to do that and it is routinely done. He requested a motion to direct Staff to prepare a Resolution for the next meeting.

Motion was made by Trustee Schiappa and Seconded by Trustee Mital to direct Staff to prepare a Resolution to destroy Verbatim Recordings of Closed Session Minutes for the period of September 2015 through June 2017.

The Motion was approved by a unanimous voice vote of the Board of Trustees.

Motion was made by Trustee Mital and seconded by Trustee Paveza that the Regular Meeting of July 22, 2019 be adjourned to Closed Session to discuss the Release of Closed Session Minutes through December 2018.

On Roll Call, Vote Was:

AYES: 6 -- Trustees Mital, Paveza, Schiappa, Franzese, Snyder, Mottl
NAYS : 0 -- None
ABSENT: 0 -- None

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There being six affirmative votes the motion carried and the meeting was adjourned to a Closed Session at 8:11 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 12th day of August, 2019.



RECONVENED REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES,
VILLAGE OF BURR RIDGE, IL
July 22, 2019

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of July 22, 2019 was reconvened at 8:18 p.m. with the same Trustees in attendance as immediately preceding the Closed Meeting from 8:13 p.m. to 8:17 p.m.

RELEASE OF CLOSED SESSION MINUTES THROUGH DECEMBER 2018 Motion was made by Trustee Franzese and seconded by Trustee Snyder to direct Staff to prepare a Resolution releasing the following Closed Session Minutes through December 2018: January 9, 2017, June 12, 2017, August 28, 2017, September 25, 2017, October 9, 2017, January 8, 2018, January 22, 2018, February 12, 2018, February 26, 2018, March 12, 2018, March 26, 2018, April 23, 2018, July 19, 2018, July 23, 2018, September 10, 2018 and December 10, 2018 (Spec. Mtg.).

The Minutes of February 13, 2017, February 27, 2017, March 14, 2017, August 1, 2018, November 12, 2018 and December 10, 2018 (Reg. Mtg.) should not be released due to the need for confidentiality.

On Roll Call, Vote Was:

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

NAYS: 0 – None


ABSENT: 0 – None

There being six affirmative votes, the motion carried.

DETERMINATION TO DESTROY VERBATIM RECORDINGS OF CLOSED SESSION MINUTES FOR THE PERIOD OF SEPTEMBER 2015 THROUGH JUNE 2017 Motion was made by Trustee Schiappa and seconded by Trustee Mital to direct Staff to prepare a Resolution to Destroy Verbatim Recordings of Closed Session Minutes for the Period of September 2015 through June, 2017.

Motion carried by Voice Vote.

ADJOURN REGULAR MEETING Motion was made by Trustee Franzese and seconded by Trustee Snyder that the Regular Meeting of July 22, 2019 be adjourned. Motion carried by Voice Vote and the meeting was adjourned at 8:20 p.m.


Karen J. Thomas
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 12th day of August, 2019.



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MAYOR & BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE**

AGENDA

**July 22, 2019
7:00 P.M.**

- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**
 - Aly & Adriana Guzman, St. Isaac Jogues
- 2. ROLL CALL**
- 3. PRESENTATIONS AND PUBLIC HEARINGS**
- 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, discussed by the Board, opened for public comment, and voted upon during this meeting.

- 5. MINUTES**
 - A. Consideration of Regular Board Meeting of July 8, 2019
 - B. * Receive and File Draft of Pathway Commission of July 11, 2019
- 6. ORDINANCES**
 - A. Consideration of an Ordinance Amending Article II of the Burr Ridge Building Ordinance to Adopt an Expedited Residential and Commercial Permit and Expedited Fee Schedule
 - B. * Approval of an Ordinance Amending Chapter 2, Article XI, Section 2.67 of the Burr Ridge Municipal Code Regarding Order of Business ("Agenda") for Meetings of the Board of Trustees

Prior to voting on each agenda item, the Mayor will invite public comment on that item. The Mayor also will invite any person in attendance to address the Board on any other item of concern under Section 9 Public Comments. Each speaker addressing the Board of Trustees is asked to limit her or his comment to five minutes.

EXHIBIT

A

7. RESOLUTIONS

- A. * Adoption of Resolution Approving an Intergovernmental Agreement Between the Illinois State Toll Highway Authority and the Village of Burr Ridge For Relocation of a 36 Inch Diameter Water Main Adjacent to and Under the Tollway's Mile Long Bridge
- B. * Adoption of Resolution Approving License Amendment with the Forest Preserve District of Cook County

8. CONSIDERATIONS

- A. Update Regarding Sterigenics in Willowbrook, IL
- B. Update and Discussion Regarding the State of Illinois Cannabis Regulation and Tax Act
- C. * Approval of Recommendation to Award Contract for the 2019 Water Main Replacement Projects to Cecchin Plumbing & Heating, Inc. of Bloomingdale, Illinois, in the amount of \$1,030,143
- D. * Approval of Request for Raffle License for Aging Care Connections and Hosting Facility License for Chicago Marriott Southwest at Burr Ridge for a Fundraising Event on September 13, 2019
- E. * Receive and File Letter of Resignation of Part-Time General Utility 1 Worker Connor Rich
- F. * Approval of Recommendation for Public Works Director to Fill the Vacancy of Part-Time General Utility 1 Worker Created by the Resignation of Connor Rich
- G. * Approval of Recommendation to Approve Temporary Sign Placements Requested by the Burr Ridge Park District Foundation for the Pedal the Parks Event on Sunday, September 8, 2019
- H. * Approval of Vendor List dated July 22, 2019 in the Amount of \$469,940.16 for all Funds, plus \$205,490.22 for Payroll, for a Grand Total of \$675,30.38, which includes No Special Expenditures

9. PUBLIC COMMENTS

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. CLOSED SESSION

- A. Release of Closed Session Minutes through December 2018
- B. Determination to Destroy Verbatim Recordings of Closed Session Minutes for the Period of September 2015 through June 2017

12. RECONVENED MEETING

13. ADJOURNMENT