

**REGULAR MEETING**  
**MAYOR AND BOARD OF TRUSTEES**  
**VILLAGE OF BURR RIDGE**

**September 23, 2019**

**CALL TO ORDER** The Regular Meeting of the Mayor and Board of Trustees of September 23, 2019 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:00 p.m. by Mayor Gary Grasso.

**PLEDGE OF ALLEGIANCE** Pledge of Allegiance was led by Jack Grasso

**ROLL CALL** was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Schiappa, Paveza, Mital, Mottl and Mayor Grasso. Trustee Snyder was absent. Also present were Police Chief John Madden, Director of Public Works Dave Preissig, Assistant Village Administrator Evan Walter, Finance Director Jerry Sapp, Assistant Finance Director Amy Nelson, Village Attorney Mike Durkin and Village Clerk Karen Thomas.

**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 Mottl 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.

On Roll Call, Vote Was:

AYES: 5 – Trustees Mottl, Mital, Paveza, Schiappa, Franzese

NAYS : 0 – None

ABSENT: 1 – Trustee Snyder

There being five affirmative votes the motion carried.

**APPROVAL OF REGULAR BOARD MEETING MINUTES OF AUGUST 26, 2019** were approved for publication under the Consent Agenda by Omnibus Vote.

**RECEIVE AND FILE PATHWAY COMMITTEE MEETING MINUTES OF SEPTEMBER 12, 2019** were noted as received and filed, under the Consent Agenda by Omnibus Vote

**APPROVAL OF AN ORDINANCE AMENDING SECTION X OF THE SUBDIVISION ORDINANCE OF THE VILLAGE OF BURR RIDGE REGARDING PARK IMPACT FEES AND CREDIT FOR PRIVATE OPEN SPACES AND RECREATION AREAS** the Board, under Consent Agenda by Omnibus Vote, approved the Ordinance.  
**THIS IS ORDINANCE NO. A-894-01-19**



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**APPROVAL OF AN ORDINANCE AMENDING CHAPTER 39 (PROPERTY MAINTENANCE) OF THE BURR RIDGE MUNICIPAL CODE BY ADDING NEW SECTION 39.09** the Board, under Consent Agenda by Omnibus Vote, approved the Ordinance.  
**THIS IS ORDINANCE NO. A-1115-01-19**

**APPROVAL OF RECOMMENDATION TO APPROVE UNION CONTRACT FOR PATROL OFFICERS** the Board, under Consent Agenda approved the Union Contract.

**APPROVAL OF RECOMMENDATION BY CHIEF MADDEN TO HIRE A RECORDS CLERK** the Board, under Consent Agenda approved the Recommendation to hire a Records Clerk.

**RECEIVE AND FILE PERSONNEL ORDER FOR RESIGNATION OF PROBATIONARY PATROL OFFICER JUSTIN VANDENBURG** the Board, under Consent Agenda received and filed the Resignation.

**APPROVAL OF RECOMMENDATION TO HIRE REPLACEMENT PATROL OFFICER TO FILL VACANCY CREATED BY RESIGNATION OF JUSTIN VANDENBURG** the Board, under Consent Agenda authorized the Police Chief to fill the vacancy.

**ACKNOWLEDGE RESIGNATION OF PART-TIME GENERAL UTILITY WORKER I BRYAN BOWER** the Board, under Consent Agenda received and filed the Resignation.

**APPROVAL OF RECOMMENDATION FOR PUBLIC WORKS DIRECTOR TO FILL THE VACANCY OF PART-TIME GENERAL UTILITY WORKER I CREATED BY THE RESIGNATION OF BRYAN BOWER** the Board, under Consent Agenda authorized the Public Works Director to fill the vacancy.

**APPROVAL OF RECOMMENDATION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES IN THE SANITARY INFLOW/INFILTRATION CONTROL PROGRAM TO RJN GROUP, INC. OF WHEATON, ILLINOIS, IN THE AMOUNT NOT TO EXCEED \$150,000** the Board, under Consent Agenda Awarded the Contract to RJN Group, Inc in the amount not to exceed \$150,000

**APPROVAL OF RECOMMENDATION TO AWARD CONTRACT FOR PAVER BRICK REPLACEMENT AND STAIRWAY RECONSTRUCTION TO PREMIER LANDSCAPE CONTRACTORS, INC. OF LEMONT, ILLINOIS, IN THE AMOUNT OF \$13,210** the Board, under Consent Agenda Awarded the Contract to Premier Landscape Contractors, Inc in the amount of \$13,210.

**APPROVAL OF RECOMMENDATION TO AWARD A CONTRACT FOR HVAC MODIFICATIONS AT THE POLICE DEPARTMENT BUILDING TO TRANE CHICAGO**



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**OF WILLOWBROOK, ILLINOIS, IN THE AMOUNT OF \$28,143** the Board, under Consent Agenda Awarded the Contract to Trane Chicago in the amount of \$28,143

**APPROVAL OR PROCLAMATION DESIGNATING OCTOBER AS “ARTS DUPAGE MONTH”** the Board, under Consent Agenda approved the Proclamation.

**APPROVAL OF PROCLAMATION DESIGNATING OCTOBER AS “FIRE SAFETY MONTH”** the Board, under Consent Agenda approved the Proclamation.

**APPROVAL OF REQUEST FROM BURR RIDGE PARK DISTRICT FOR DONATION FROM HOTEL/MOTEL TAX FUNDS FOR THE PARK DISTRICT’S 2019 HARVEST FEST EVENT** the Board, under Consent Agenda approved the Donation of \$1,000 to the Park District’s Harvest Fest on Saturday, September 28.

**APPROVAL OF VENDOR LIST DATED SEPTEMBER 9, 2019 IN THE AMOUNT OF \$178,063.77 FOR ALL FUNDS, PLUS \$194,454.23 FOR PAYROLL, FOR A GRAND TOTAL OF \$372,518.00 WHICH INCLUDES SPECIAL EXPENDITURES OF \$27,859.41 FOR AIR TESTING SERVICES PERFORMED BY GHD SERVICES, INC** The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor List for the period ending September 9, 2019 in the amount of \$178,063.77 for all funds, plus \$194,454.23 for Payroll for the period ending August 24, 2019, for a Grand Total of \$372,518.00 which includes special expenditures of \$27,859.41 for air testing services performed by GHD Services, Inc.

**APPROVAL OF VENDOR LIST DATED SEPTEMBER 23, 2019 IN THE AMOUNT OF \$575,727.58 FOR ALL FUNDS, PLUS \$199,321.15 FOR PAYROLL, FOR A GRAND TOTAL OF \$775,048.73 WHICH INCLUDES SPECIAL EXPENDITURES OF \$39,656.66 TO KIVVIT FOR MARKETING CONSULTING SERVICES FOR MAY AND JUNE, 2019 AND \$14,214.81 TO BURNS & MCDONNELL REGARDING THE COUNTY LINE ROAD SIDEWALK PROJECT** The Board, under the Consent Agenda by Omnibus Vote, approved the Vendor List for the period ending September 23, 2019 in the amount of \$575,727.58 for all funds, plus \$199,321.15 for Payroll for the period ending September 7, 2019, for a Grand Total of \$775,048.73 which includes special expenditures of \$39,656.66 to Kivvit for Marketing Consulting Services for May and June, 2019 and \$14,214.81 to Burns & McDonnell regarding the County Line Road Sidewalk Project

**UPDATE REGARDING STERIGENICS IN WILLOWBROOK, IL** Village Administrator Doug Pollock stated the Consent Order was entered by the Court on September 6, 2019 which essentially lifted the Seal Order on the Sterigenics facility in Willowbrook. It allows them to pursue their construction permit with the Illinois EPA which was approved on September 22, 2019. The Village of Willowbrook will review the building permit. There are two bills that have been filed in Springfield. One would phase out the use of Ethylene Oxide and the other would allow Home Rule Communities to prohibit Ethylene Oxide sterilization operations in their community. Mr. Pollock



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stated he will be meeting again with the Managers from Willowbrook, Darien, and Hinsdale to further discuss the feasibility of the condemnation of the Sterigenics property.

Mayor Grasso commented there is work in process on at least three fronts, one being the condemnation proceedings. The Village is still part of the lawsuit and will consider options for that. Also, to be very active in Springfield during the Veto session which starts October 25, 2019 and try to have a public presence to advocate for entirely banning Sterigenics in Illinois.

Trustee Franzese expressed disappointment that the Illinois EPA, Illinois Attorney General and DuPage County State's Attorney failed to protect the communities. The construction permit failed to prove the medical devices they sterilize can only be sterilized by Ethylene Oxide. The technology they will employ to capture emissions is unproven and the model that was demonstrating their efficiencies and upgrades was modeled by Sterigenics. Trustee Franzese encouraged residents not to give up the fight.

Mr. Pollock mentioned the Board authorized hiring a lobbyist who was engaged through the end of the Regular Session of the General Assembly. Mr. Pollock recommends engaging the lobbyist again to represent the Village in Veto Session for an amount not to exceed \$10,000 for a six week engagement. He requested Board consensus to continue using the same lobbyist.

Trustee Mital commented she thinks the Village should be doing everything possible to keep Sterigenics out of the neighborhood and is disappointed the politicians failed to do so.

Trustee Paveza asked if the lobbyist was effective for the Village. Mr. Pollock stated the lobbyist was very helpful in getting previous legislation passed.

Mayor Grasso stated it is within Village Administrator Doug Pollock's spending authority to engage the lobbyist. There were no objections from the Trustees.

#### **DISCUSSION OF HOME RULE REFERENDUM FOR THE VILLAGE OF BURR RIDGE**

Mayor Grasso explained that under the Constitution of Illinois, Home Rule Municipalities have the power to self-govern and to regulate on any matter of local concern so long as the regulation is not preempted or prohibited by State Law. Without Home Rule powers, the Village of Burr Ridge possesses only those limited powers expressly granted by Statute and Powers necessarily implied through those explicit grants of power. Mayor Grasso is requesting the Board consider placing a Referendum on the next Ballot so the voters of Burr Ridge can decide if they want to become a Home Rule Community. Home Rule local government in Illinois has additional powers to approve regulations for the protection of the Public health, safety and welfare and has additional licensing, zoning and taxing authority. This may prevent another Sterigenics or other businesses that may use Ethylene Oxide from locating in Burr Ridge. There is a law pending that would allow a Home Rule Community to ban the use of ETO. The State requires non Home Rule municipalities to spend most



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of their Hotel/Motel tax dollars on promotion of tourism. Home Rule would allow the Village to use Hotel/Motel Tax dollars for local street improvements, police protection or any other governmental function. One objection to Home Rule is the residents' fear of raised property taxes. There is significant evidence that Home Rule Communities keep their property taxes lower due to taxing flexibility such as Hotel/Motel tax. The Referendum must pass by a majority of Burr Ridge voters. Mayor Grasso has directed Village Administrator Doug Pollock and Village Attorney Mike Durkin to research the process of obtaining Home Rule powers and prepare the necessary documents for Board consideration at an upcoming meeting.

Trustee Paveza commented, previously when this was considered, the revenue from Hotel/Motel Tax was lower and the Board decided it would be too easy to raise property taxes so the referendum was not put on the Ballot.

Mayor Grasso stated the Board will not raise property taxes. Home Rule will give the Board flexibility to better protect the Village residents in terms of public health and safety and also to use Hotel/Motel tax dollars for other purposes other than tourism.

Trustee Mottl questioned the outcome of a bill that was to address Hotel/Motel fund. Village Administrator Doug Pollock stated there was legislation approved that allows, for a limited time, non Home Rule Communities to use 25% for capital and economic development. This offers some relief but is still very limited. Trustee Mottl inquired as to the effect of Federal Law on the Home Rule Community. Village Attorney Mike Durkin explained the legislature has the right to pre-empt Home Rule Communities so it is not carte blanc given to municipalities. The State still has the ability to limit Home Rule powers. Trustee Mottl questioned what could be done in situations such as Sterigenics where they are operating under current law. Mayor Grasso explained the Village of Willowbrook, as a Home Rule Community, can prevent Sterigenics from getting the 87 foot tall stack. They have more power to regulate Sterigenics ETO. Trustee Mottl expressed concern about the opportunity to raise other taxes such as Places of Eating Tax and Sales Tax.

Trustee Schiappa expressed support of unblocking funds from Hotel/Motel Tax fund for use in other areas.

Trustees Franzese, Paveza and Mital agreed that a workshop to learn more about Home Rule would be helpful

**PRESENTATION OF FY 2018-19 AUDIT** Finance Director Jerry Sapp introduced Scott Termine, Partner with BKD and explained the auditor is independent from the staff and reports directly to the Board of Trustees. Mr. Termine said the Board was provided audited Financial Statements and a summarization of the audit results. He explained the results of the audit and stated once again they have issued a clean or unmodified opinion on the financials. Everything is properly stated in accordance with generally accepted accounting standards and there are no weaknesses in the Village's internal control structure. He highlighted one significant change that took effect for 2019,



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the adoption of GASB 75 which relates to the Village's post-employment benefits liability. The increase in this liability decreases the Village's overall financial health. The Village's largest liabilities are IMRF and Police Pension. Mr. Termine stated there were no difficulties or disagreements encountered in the audit nor any internal control deficiencies.

Trustee Mottl questioned if BKD is auditing whether or not all revenue is being collected. Mr. Termine responded they do perform tests but ultimate accuracy is Management's responsibility. Trustee Mottl is concerned Places of Eating tax is under reported and the Village is missing revenue. Mr. Termine explained there are tax audits that can address those concerns.

In response to Trustee Schiappa, Mr. Termine explained the liability for benefits is reported differently. Actuarially the insurance liability has to be identified.

There was some discussion regarding the liabilities and trying to pay down some of those liabilities. Mayor Grasso will present options in the future about how Home Rule could be used.

**CONSIDERATION OF ASSOCIATE MEMBERSHIP IN THE WEST CENTRAL MUNICIPAL CONFERENCE** Village Administrator Doug Pollock explained this Conference is comparable to DuPage Mayors and Managers, which the Village has been involved with for a long time. Although there are many benefits to this membership, it focuses just on DuPage County. Mr. Pollock suggests joining West Central Municipal Conference which is western Cook County. Membership is \$5500 per year. Benefits include better networking with Cook County neighbors, additional staff training opportunities, lobbying in Springfield as well as Washington, potential cost and information sharing, and more.

Motion was made by Trustee Paveza and seconded by Trustee Franzese to join the West Central Municipal Conference.

On Roll Call, Vote Was:

AYES: 5 – Trustees Paveza, Franzese, Schiappa, Mital, Mottl

NAYS : 0 – None

ABSENT: 1 – Trustee Snyder

There being five affirmative votes the motion carried.

**PRESENTATION OF COMMUNITY ENGAGEMENT PLAN FOR VILLAGE REVIEW OF ILLINOIS CANNABIS REGULATION AND TAX ACT** Village Administrator Doug Pollock explained the Board previously directed the Plan Commission and the Economic Development Committee to begin reviewing the topic and provide recommendations to the Board. Staff believes the Engagement Plan is very important to keep the Community aware and involved in the decision making process. There will be a dedicated page on the Village's website with all information about this ongoing discussion including notification of public meetings, staff reports, copy of the State Legislation, frequently asked questions, relevant news items and press releases. There will be a focus



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on educating all Village Staff and Community leaders so when constituents have questions regarding this issue they can respond in an educated manner. Mr. Pollock stated questions should be directed to him or Assistant Village Administrator Evan Walter.

Resident Jon Molfese asked about the timeline for the Economic Development Commission's recommendation. Mr. Pollock stated the Plan Commission will hold a Public Hearing on October 7, and the Economic Development Commission will be discussing the issue on October 9. Typically, a recommendation is made the same night it is reviewed, unless they determine they need more time to discuss the issue. It could be presented to the Board October 14, 2019. Mr. Molfese expressed concerns with the timeline. Mayor Grasso explained there are many things which need to be considered before a decision is made.

**PUBLIC COMMENTS** Resident Richard Morton stated the Constitution of Illinois points out it is every citizen's right to breathe clean air. He thinks the Illinois EPA and Director John Kim did not embrace this and did not act on previous serious health issues. He is encouraging residents to call for John Kim's resignation. He expounded on the difference between the two legislative bills and Home Rule could put Burr Ridge in a safer position.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS** Trustee Mottl suggested an audit of Hotel/Motel and Places of Eating Tax receipts to ensure the Village is collecting all revenues due. He mentioned a previous instance where revenue was underreported resulting in the loss of substantial revenue.

Village Administrator Doug Pollock asked for clarification from Finance Director Jerry Sapp that the only tax collected directly by the Village is Places of Eating Tax. Mr. Sapp explained Hotel/Motel tax and Places of Eating tax are self-reporting and are monitored by the Finance Department. There have been audits and analytics in the past.

Mayor Grasso recognized resident Dr. Kaleem Malek who led a team of volunteers with relief organizations and spent twelve days in the Bahamas after Hurricane Dorian.

The Bel Canto Music Academy Grand Opening will be September 25, 2019 at 92 Burr Ridge Parkway.

Burr Ridge Park District's annual Harvest Fest is this Saturday, September 28, 2019 at Harvester Park.

Pleasantdale Park District will host their annual Fall Festival at Walker Park on Saturday, October 12, 2019

Porterhouse Restaurant is now open for breakfast.



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Motion was made by Trustee Paveza and Seconded by Trustee Schiappa that the Regular Meeting of September 23, 2019 be adjourned.

The Motion was approved by unanimous voice vote of the Board of Trustees and the meeting was adjourned at 8:10 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.



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Karen J. Thomas  
Village Clerk  
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 14<sup>th</sup> day of October, 2019.







REGULAR MEETING  
MAYOR & BOARD OF TRUSTEES  
VILLAGE OF BURR RIDGE

AGENDA

September 23, 2019  
7:00 P.M.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE
  - Jack Grasso
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. \* Approval of Regular Board Meeting of August 26, 2019
  - B. \* Receive and File Pathway Committee Meeting of September 12, 2019
6. ORDINANCES
  - A. \* Ordinance Amending Section X of the Subdivision Ordinance of the Village of Burr Ridge Regarding Park Impact Fees and Credit for Private Open Spaces and Recreation Areas
  - B. \* Ordinance Amending Chapter 39 (Property Maintenance) of the Burr Ridge Municipal Code by Adding New Section 39.09
7. RESOLUTIONS
8. CONSIDERATIONS
  - A. Update Regarding Sterigenics in Willowbrook, IL

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*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

- B. Discussion of Home Rule Referendum for the Village of Burr Ridge
- C. Presentation of FY 2018-19 Audit
- D. Consideration of Associate Membership in the West Central Municipal Conference
- E. Presentation of Community Engagement Plan for Village Review of Illinois Cannabis Regulation and Tax Act
- F. \* Approval of Recommendation to Approve Union Contract for Patrol Officers
- G. \* Approval of Recommendation by Chief Madden to Hire a Records Clerk
- H. \* Receive and File Personnel Order for Resignation of Probationary Patrol Officer Justin Vandenburg
- I. \* Approval of Recommendation to Hire Replacement Patrol Officer to Fill Vacancy Created by Resignation of Justin Vandenburg
- J. \* Acknowledge Resignation of Part-Time General Utility Worker I Bryan Bower
- K. \* Approval of Recommendation for Public Works Director to Fill the Vacancy of Part-Time General Utility Worker I Created by the Resignation of Bryan Bower
- L. \* Approval of Recommendation to Award a Professional Services Contract for Engineering Services in the Sanitary Inflow/Infiltration Control Program to RJN Group, Inc. of Wheaton, Illinois, in the Amount Not to Exceed \$150,000
- M. \* Approval of Recommendation to Award Contract for Paver Brick Replacement and Stairway Reconstruction to Premier Landscape Contractors, Inc. of Lemont, Illinois, in the Amount of \$13,210
- N. \* Approval of Recommendation to Award a Contract for HVAC Modifications at the Police Department Building to Trane Chicago of Willowbrook, Illinois, in the Amount of \$28,143
- O. \* Approval of Proclamation Designating October as "Arts DuPage Month"
- P. \* Approval of Proclamation Designating October as "Fire Safety Month"
- Q. \* Approval of Request from Burr Ridge Park District for Donation from Hotel/Motel Tax Funds for the Park District's 2019 Harvest Fest Event
- R. \* Approval of Vendor List Dated September 9, 2019 in the Amount of \$178,063.77 for all Funds, plus \$194,454.23 for Payroll, for a Grand Total of \$372,518.00, which includes Special Expenditures of \$27,859.41 for air testing services performed by GHD Services, Inc.

- S. \* Approval of Vendor List Dated September 23, 2019 in the Amount of \$575,727.58 for all Funds, plus \$199,321.15 for Payroll, for a Grand Total of \$775,048.73, Which Includes Special Expenditures of \$39,656.66 to Kivvit for Marketing Consulting Services for May and June, 2019 and \$14,214.81 to Burns & McDonnell regarding the County Line Road Sidewalk Project

9. PUBLIC COMMENTS

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. ADJOURNMENT