

REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

November 23, 2020

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of November 23, 2020, 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 Mayor Grasso led the Pledge of Allegiance.

Mayor Grasso read the following declaration.

“I hereby declare as Mayor of the Village of Burr Ridge that I have determined that an in person meeting is not practical nor prudent on account of the disaster declaration issued by Governor Pritzker because of the COVID-19 pandemic.”

ROLL CALL was taken by the Deputy Village Clerk and the results denoted the following present: Trustees Franzese, Schiappa, Paveza, Snyder, and Mital via Zoom. Present in the Board Room was Mayor Grasso. Trustee Mottl was absent. He did not attend via Zoom as stipulated in the agenda nor did he attempt to call in to attend the Board meeting. Trustee Mottl gave no advance notice that he would miss the meeting nor has he explained his absence. This is the tenth board meeting he has missed since November 2018.

In addition, present in the Board Room were Interim Village Administrator Evan Walter, Deputy Police Chief Marc Loftus, Public Works Director David Preissig, and Village Attorney Mike Durkin.

CONSENT AGENDA – OMNIBUS VOTE After reading the Consent Agenda by Mayor Grasso, motion was made by Trustee Snyder and seconded by Trustee Schiappa that the Consent Agenda – Omnibus Vote (attached as Exhibit A) (Except 5B) 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 Snyder, Schiappa, Mital, Paveza, Franzese

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes the motion carried.

APPROVAL OF SPECIAL BOARD MEETING OF NOVEMBER 4, 2020 were approved for publication, under the Consent Agenda by Omnibus Vote.

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RECEIVE AND FILE STORMWATER COMMITTEE MEETING OF NOVEMBER 10, 2020 were noted as received and filed under the Consent Agenda by Omnibus Vote.

RECEIVE AND FILE PLAN COMMISSION MEETING OF NOVEMBER 16, 2020 were noted as received and filed under the Consent Agenda by Omnibus Vote.

APPROVAL OF RECOMMENDATION TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR WATER TOWER REHABILITATION DESIGN SERVICES TO CRAWFORD, MURPHY, AND TILLY, INC. OF AURORA, ILLINOIS IN THE AMOUNT OF \$95,360 the Board, under the Consent Agenda by Omnibus Vote, Approved the Contract.

APPROVAL OF RECOMMENDATION TO APPOINT JANINE FARRELL AS PLAN COMMISSION VICE CHAIRPERSON FOR A ONE-YEAR TERM EXPIRING ON DECEMBER 31, 2021 the Board, under the Consent Agenda by Omnibus Vote, Approved the Appointment.

APPROVAL OF VENDOR LIST DATED NOVEMBER 23, 2020, IN THE AMOUNT OF \$497,572.55 FOR ALL FUNDS, PLUS \$187,175.61 FOR PAYROLL FOR THE PERIOD ENDING OCTOBER 31, 2020, FOR A GRAND TOTAL OF \$684,748.16, WHICH INCLUDES SPECIAL EXPENDITURES OF \$25,500 TO KRAMER TREE SPECIALISTS FOR BRUSH REMOVAL the Board, under the Consent Agenda by Omnibus Vote, Approved the Vendor List.

APPROVAL OF REGULAR BOARD MEETING OF NOVEMBER 9, 2020

Resident Richard Morton wanted to comment on the minutes from the November 9 board meeting where Trustee Mottl was quoted saying something about Mr. Morton. Mr. Morton quoted the minutes and stated that he found Trustee Mottl's comment as appalling, offensive, juvenile, immature and outrageous behavior from a trustee. Mr. Morton added that Trustee Mottl's comment had no basis or foundation to it and it had damaged his reputation. He said he was now left to explain this to his family and neighbors. Mr. Morton added other comments Trustee Mottl has made to others and stated Trustee Mottl was misogynistic. Mr. Morton requested that Trustee Mottl resign.

Mayor Grasso stated that he was disgusted with Trustee Mottl's comment and that this was a new low for Trustee Mottl. Mayor Grasso apologized on behalf of the Village of Burr Ridge for Trustee Mottl's conduct. Mayor Grasso added that he wished there was more he could do for Mr. Morton and the residents of Burr Ridge and hoped this would end come the next election.

Mayor Grasso asked for a motion to approve the minutes. Motion was made by Trustee Snyder and seconded by Trustee Paveza.

Mayor Grasso asked for any more comments.

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Apologies were extended by all Trustees to Mr. Morton along with thanks for all the time and effort he has put in for attending the board meetings and his other community involvement.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BURR RIDGE MUNICIPAL CODE TO ESTABLISH AN ADMINISTRATIVE ADJUDICATION PROGRAM RELATED TO CHARGES OF MUNICIPAL ORDINANCE VIOLATIONS

Intern Village Administrator Evan Walter stated that these ordinances along with Item 8A are all related. Mr. Walter advised that staff was directed by the Board to prepare these ordinances at the September 28 meeting. These ordinances establish an administrative adjudication program, written with the assistance of the Village Attorney's office. Mr. Walter thanked Mr. Bastian of Storino, Ramello & Durkin for all of his assistance in creating the adjudication program.

Mr. Walter introduces Deputy Chief Marc Loftus who gave a brief overview of the three ordinances. Mr. Loftus advised that once these ordinances are approved, the village can start their administrative adjudication program as of December 1 with the first hearing to occur in January.

Mayor Grasso asked if there was any questions from the Trustees. There were none.

Mayor Grasso asked for any public comment. There was none.

Motion was made by Trustee Franzese and seconded by Trustee Mital.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

THIS IS ORDINANCE A-781-05-20

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 35, ENTITLED "MOTOR VEHICLES" BY ADDING THERETO SECTION 35-607 ENTITLED "SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES USED IN THE COMMISSION OF CERTAIN CRIMINAL OFFENSES" OF THE MUNICIPAL CODE OF THE VILLAGE OF BURR RIDGE

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Motion was made by Trustee Snyder and seconded by Trustee Schiappa.

Mayor Grasso asked if there was any questions from the Trustees. There were none.

Mayor Grasso asked if there was any public comment. There was none.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

THIS IS ORDINANCE A-668-01-20

CONSIDERATION OF AN ORDINANCE AMENDING SELECT SECTIONS OF THE BURR RIDGE MUNICIPAL CODE OF ORDINANCES REGARDING PENALTIES

Motion was made by Trustee Franzese and seconded by Trustee Snyder.

Mayor Grasso asked if there were any comments from the Trustees.

Trustee Franzese stated he was glad to see the increase in the fines for parking in a handicap space. He hoped the increase would prevent more violations so that the people who deserve these spaces would be able to utilize them. Trustee Mital asked about the \$350 vehicle impoundment cost. Interim Village Administrator Evan Walter advised that the Village is legally permitted by State law to recoup any costs involved with impounding a vehicle used in the commission of a crime. He added that the state statute allows up to \$500 but staff wanted to be sure that the fee levied was appropriate and defensible. Village Attorney Mike Durkin added that municipalities must be able to demonstrate the amount of the fee if it were to be reviewed by a court. Mr. Durkin congratulated the staff for their thorough job in analyzing their costs to come up with this figure.

Mayor Grasso asked if there was any public comment. There was none.

On Roll Call, Vote Was:

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

NAYS : 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

THESE ARE ORDINANCES A-227-01-20, A-668-02-20, A-250-02-20, A-274-04-20

Mayor Grasso asked he could have a motion to consider item 8A under considerations next for continuity. Motion was made by Trustee Franzese and seconded by Trustee Snyder.

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Mayor Grasso asked if there was any discussion. There was none.

On Roll Call, Vote Was:

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

NAYS: 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

CONSIDERATION OF RECOMMENDATION TO APPOINT JUDGE DENISE FILAN AS THE VILLAGE ADJUDICATION HEARING OFFICER

Deputy Chief Marc Loftus reviewed Judge Filan’s qualifications. Judge Filan retired from the Fifth Municipal District of the Circuit Court of Cook County after 20 years of service where she worked in the several divisions including civil and criminal. She is the only one of the applicants who served as a circuit cook judge. Judge Filan was one of several persons who suggested to the village over the years that they should establish an administrative adjudication program.

Motion was made by Trustee Mital and seconded by Trustee Franzese.

Mayor Grasso asked if there was any comments or questions from the Trustees.

Trustee Franzese stated that Judge Filan would be an outstanding addition to our adjudication program with her vast experience and stellar reputation in the community. Trustee Franzese added that she would be a tremendous asset to our program.

Mayor Grasso asked for any public comments. There were none.

On Roll Call, Vote Was:

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

NAYS: 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

Interim Village Administrator Evan Walter wanted to recognize Record Clerk Tina Henderson for all the work she has put in toward getting this program started. Mr. Walter added that Ms. Henderson has led the process, including identifying the software provider and assisting Deputy Chief Lotus in finding candidates for the administrative hearing judge. Mr. Walter stated that he is looking forward to working with Ms. Henderson on implementing this program.

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CONSIDERATION OF A RESOLUTION APPOINTING SUE SCHAUS AS ACTING VILLAGE CLERK

Interim Village Administrator Evan Walter advised that since former Village Clerk Karen Thomas retired in May, there has only been a Deputy Village Clerk, being himself. Since the Board has the ability to appoint an Acting Village Clerk for the remaining term expiring on April 30, 2021, Mayor Grasso has decided to nominate Sue Schaus to fill the position.

Mayor Grasso added that Ms. Schaus has been a long term resident of Burr Ridge along with her family. Mayor Grasso believes Ms. Schaus will make an excellent Acting Village Clerk.

Motion was made by Trustee Mital and seconded by Trustee Snyder.

Mayor Grasso asked if there were any comments from the Trustees. There were none.

Mayor Grasso asked for any public comments. There were none.

On Roll Call, Vote Was:

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

NAYS: 0 – None

ABSENT: 1 – Trustee Mottl

There being five affirmative votes, the motion carried.

THIS IS RESOLUTION R-40-20

PUBLIC COMMENTS

Mayor Grasso asked if there were any public comments. There were none.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

Trustee Snyder asked the board to consider adding another censure of Trustee Mottl for the comments he made about an outstanding resident at the November 9 meeting. Mayor Grasso added that although he was not at the November 9 meeting, on reviewing the minutes, he did read that Trustee Mottl also violated closed session protocol by disclosing sensitive information at a public meeting. Mayor Grasso believed that would also be a violation of our code of conduct and advised that he would have staff write up a sixth censure of Trustee Mottl. Trustee Franzese stated that he was also in support of another censure of Trustee Mottl, as they cannot allow this type of behavior to continue toward other members of the Board, staff, and public in general. Trustee Mital agreed with the other trustees stating that when you take an oath to protect the best interests of the residents, it is a violation of that trust when you reveal facts from close session meetings. Mayor Grasso added that since Burr Ridge is a

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non-home rule village, the Board has no power to bar Trustee Mottl or remove him. He feels that the village needs to stand up to Trustee Mottl for all the things he is doing to harm the village.

Mayor Grasso announced that the Village Hall would be closed thru December 6 to promote the health and safety of staff and residents. Staff is working remotely and is available by phone and email to conduct village business. Deliveries and permit documents can be left in the vestibule of the Village Hall and permit and utility payments can be left in the drop box on the outside of the building by the main entrance.

Mayor Grasso wished everyone a Happy Thanksgiving. Mayor Grasso asked that everyone take a moment to be thankful for the love of our family and friends, our nation, village and all that we cherish. In closing, he asked everyone to take care of their health and those around them.

Motion was made by Trustee Snyder and seconded by Trustee Franzese that the Regular Meeting of November 23, 2020 be adjourned.

On Roll Call, Vote Was:

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

NAYS: 0 – None

ABSENT: 1 – Trustee Mottl

The Motion was approved and the meeting was adjourned at 7:44 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.



Evan Walter
Deputy Village Clerk
Burr Ridge, Illinois

APPROVED BY the Mayor and Board of Trustees this 14th day of Dec., 2020.



REGULAR MEETING
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VILLAGE OF BURR RIDGE

AGENDA

Monday, November 23 2020
7:00 P.M.

Attendance and Public Comment Procedures: Due to the current state of emergency, consistent with the Governor's Disaster Proclamation issued on November 13, 2020, and in accordance with 5 ILCS 120/7(e), the physical presence of a quorum of the corporate authorities being excused, participation by Village Board members at this meeting will be carried out remotely via the ZOOM meeting platform. The Mayor will be present in the Board Room to preside over the meeting, as required by law, along with select staff. Trustees' attendance shall occur via the Zoom meeting platform by accessing the [meeting link](#). All Trustees must participate in the meeting with a video-enabled webcam. Trustees using a webcam without a microphone may call into the meeting at (312) 626-6799, using Meeting ID 884 1474 1532; Password 601507.

Pursuant to Governor Pritzker's Executive Order 2020-71 physical attendance at this meeting shall be limited to 10 people. Therefore, attendance by members of the public for the November 23, 2020 Village of Burr Ridge Board of Trustees meeting will be permitted both in person (subject to social distancing and capacity limitations) and virtually. Members of the public may attend the meeting by accessing the [meeting link](#), using either a computer microphone or by calling into the meeting at (312) 626-6799, using Meeting ID 884 1474 1532; Password 601507. Public comments will also be taken prior to the meeting via email at BRMeetings@burr-ridge.gov. E-mailed public comments shall identify whether the comment is intended to address a specific agenda item (please identify the agenda item) or is intended for general public comment under Section 9 of this Agenda. Public comments may also be made *during* the meeting at the applicable time. All public participants will be muted upon entering the virtual meeting. Prior to voting on each agenda item, public participants will be unmuted and asked for comments. The same procedure will be followed for any person seeking to address the Board under Section 9 - Public Comment. Each speaker addressing the Board of Trustees is asked to limit comments to five minutes.

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
 - A. **DECLARATION BY MAYOR that an in-person meeting or a meeting conducted under the Open Meetings Act is not practical or prudent because of the Governor's disaster declaration**
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 Special Board Meeting of November 4, 2020
- B. * Approval of Regular Board Meeting of November 9, 2020
- C. * Receive and File Stormwater Committee of November 10, 2020
- D. * Receive and File Plan Commission of November 16, 2020

6. ORDINANCES

- A. Consideration of an Ordinance Amending Chapter 2 of the Burr Ridge Municipal Code to Establish an Administrative Adjudication Program Related to Charges of Municipal Ordinance Violations
- B. Consideration of an Ordinance Amending Chapter 35, Entitled "Motor Vehicles" by Adding Thereto Section 35-607 Entitled "Seizure and Impoundment of Motor Vehicles Used in the Commission of Certain Criminal Offenses" of the Municipal Code of the Village of Burr Ridge
- C. Consideration of an Ordinance Amending Select Sections of the Burr Ridge Municipal Code of Ordinances Regarding Penalties

7. RESOLUTIONS

- A. Consideration of a Resolution Appointing Sue Schaus as Acting Village Clerk

8. CONSIDERATIONS

- A. Consideration of Recommendation to Appoint Judge Denise Filan as the Village Adjudication Hearing Officer
- B. * Approval of Recommendation to Award a Professional Services Contract for Water Tower Rehabilitation Design Services to Crawford, Murphy, and Tilly, Inc. of Aurora, Illinois in the Amount of \$95,360
- C. * Approval of Recommendation to Appoint Janine Farrell as Plan Commission Vice Chairperson for a One-Year Term Expiring on December 31, 2021
- D. * Approval of Vendor List Dated November 23 2020, in the Amount of \$497,572.55 for all Funds, plus \$187,175.61 for Payroll for the Period Ending October 31, 2020, for a Grand Total of \$684,748.16, Which Includes Special Expenditures of \$25,500 to Kramer Tree Specialists for Brush Removal

9. PUBLIC COMMENTS

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. ADJOURNMENT