

REGULAR MEETING
MAYOR AND BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE

September 27, 2021

CALL TO ORDER The Regular Meeting of the Mayor and Board of Trustees of September 27, 2021, 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 asked Richard Morton to lead the Pledge of Allegiance.

ROLL CALL was taken by the Village Clerk and the results denoted the following present: Trustees Franzese, Snyder, Schiappa, Paveza, Mital, Smith and Mayor Grasso. Also present were Interim Village Administrator Evan Walter, Village Attorney Mike Durkin, Police Chief John Madden, Deputy Chief Marc Loftus, and Public Works Director David Preissig.

PRESENTATIONS AND PUBLIC HEARINGS

RECOGNITION OF RICHARD SCHERER AS THE AMERICAN PUBLIC WORKS ASSOCIATION CHICAGO METRO CHAPTER BACKHOE COMPETITION CHAMPION

Public Works Director David Preissig gave an overview of the importance of skill and knowledge required in the use of heavy equipment machinery, and that a competition for equipment operators was recently held at an annual conference and exposition of the Chicago Metro Chapter of American Public Works Association. Richard Scherer, General Utility Worker II in the Public Works Department, represented the Village and won the backhoe competition, which included an intensive knowledge-based exam as well as a course that required skill and precision machine operation. For winning the regional competition, the Chicago Metro Chapter awarded Rich with a trip to the national conference and competition in St. Louis, where Rich also excelled. Director of Public Works David Preissig presented Rich with the Chicago Metro Chapter trophy that will be displayed at the Public Works Department.

PRESENTATION OF FIRSTNET COMMUNICATION SYSTEM

Police Chief John Madden introduced Ryan Newsom, Application Sales Executive with AT&T, who explained the FirstNet cell phone network. The current cellular and data vendor for the Village is Verizon Communications. Staff is in process of migrating the Village's first responder communications to FirstNet by AT&T. FirstNet is the only nationwide wireless broadband communications platform dedicated to America's first responders and public safety community. FirstNet was developed as the result of a public/private partnership between the First Responder Network Authority and AT&T. Based on recommendations from the 9/11 Commission Report, legislation was passed in 2012 to combine private sector resources, infrastructure, expertise, and economies of scale with government resources—including Band 14, a highly desirable spectrum dedicated to public safety by the Federal government—to deploy and operate a first responder

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network. During an emergency, Band 14 can be cleared and locked solely in FirstNet subscribers, meaning only those on FirstNet will have access to Band 14 spectrum.

Switching to FirstNet would not only be a security upgrade to the Village first responders but would also result in financial savings of \$6,800 annually. FirstNet would also provide a one-time credit of \$14,240 to the Village for activation and device trade-in. There are no contracts and no termination fees involved in using FirstNet. Chief Madden said that using the FirstNet system made sense and was where the Village should be at this time. He had tried the system and it worked well. He also talked to other communities who had used it with success.

Trustee Franzese asked what triggered a deployable for FirstNet to be activated. Mr. Newsom said that it would be automatically activated with incidents like a tornado or event which knocks out a cell tower, or the Village can also request access in advance for events like concerts.

Mayor Grasso asked for any additional comments from the Trustees or the public, and if there were any e-mailed comments received. There were none.

CONSENT AGENDA – OMNIBUS VOTE

After reading the Consent Agenda, Mayor Grasso asked if anyone wanted any item removed. Any item removed from the Consent Agenda, was discussed by the Board, opened for public comment, and voted upon during this meeting. Trustee Franzese removed item 5A, Approval of Regular Board Meeting Minutes of September 13, 2021. Mayor Grasso stated that item 8D, relating to 9400 Garfield Avenue, had been removed from the agenda for this meeting.

RECEIVE AND FILE PLAN COMMISSION MEETING OF SEPTEMBER 20, 2021 were noted as received and filed under the Consent Agenda by Omnibus Vote.

APPROVAL OF A RESOLUTION GRANTING AN EXTENSION OF SUBDIVISION COMPLETION DEADLINE (7950 DREW AVENUE – COTTAGES AT DREW) the Board, under the Consent Agenda by Omnibus Vote, Approved the Resolution.

APPROVAL OF A RESOLUTION ENDORSING THE METROPOLITAN MAYORS COUNCIL CAUCUS' 2021 CLIMATE CHANGE ACTION PLAN FOR THE CHICAGO REGION the Board, under the Consent Agenda by Omnibus Vote, Approved the Resolution.

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ADOPTION OF A RESOLUTION OF SUPPORT AND FINANCIAL COMMITMENT FOR THE SAFE ROUTES TO SCHOOL GRANT FOR FLASHING PEDESTRIAN BEACONS ON WOLF ROAD the Board, under the Consent Agenda by Omnibus Vote, Approved the Resolution.

APPROVAL TO HIRE A REPLACEMENT GENERAL UTILITY WORKER I IN THE PUBLIC WORKS DEPARTMENT TO FILL THE VACANCY CREATED BY THE PROMOTION OF ALEX MEZATIS TO ASSISTANT WATER OPERATOR the Board, under the Consent Agenda by Omnibus Vote, Approved the Hire.

APPROVAL TO HIRE A REPLACEMENT PART-TIME GENERAL UTILITY WORKER I IN THE PUBLIC WORKS DEPARTMENT TO FILL THE VACANCY CREATED BY THE PROMOTION OF CHRISTOPHER BREAKEY TO FULL-TIME GENERAL UTILITY WORKER I the Board, under the Consent Agenda by Omnibus Vote, Approved the Hire.

APPROVAL OF VENDOR LIST DATED SEPTEMBER 27, 2021, IN THE AMOUNT OF \$841,542.58 FOR ALL FUNDS, PLUS \$203,705.80 FOR PAYROLL FOR THE PAY PERIOD ENDING SEPTEMBER 4, 2021, FOR A GRAND TOTAL OF \$1,045,248.38, WHICH INCLUDES A SPECIAL EXPENDITURE OF \$11,011.00 TO ORBIS SOLUTIONS FOR WIRELESS REPAIR SOUTH WATER the Board, under the Consent Agenda by Omnibus Vote, Approved the Vendor List for the Period ending September 27, 2021 plus Payroll for the Period Ending September 4, 2021.

Mayor Grasso asked if there were any Trustee or public comments on any items on the Consent Agenda, or if any comments had been received via e-mail. There were none.

Motion was made by Trustee Snyder, seconded by Trustee Mital, to approve the Consent Agenda – Omnibus Vote (attached as Exhibit A), and the recommendations indicated for each respective item be hereby approved.

On Roll Call, Vote Was:

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

NAYS : 0 - None

ABSENT: 0 - None

There being six affirmative votes the motion carried.

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APPROVAL OF RECOMMENDATION TO ISSUE A RIGHT-OF-WAY AND GRADING PERMIT AT 9400 GARFIELD AVENUE (“RUSTIC ACRES”) IN SUPPORT OF THE OAK CREEK CLUB HOMEOWNERS’ ASSOCIATION BASIN IMPROVEMENT PROJECT

This item was removed from the agenda for this meeting.

APPROVAL OF REGULAR BOARD MEETING MINUTES OF SEPTEMBER 13, 2021

Trustee Franzese requested that this item be taken off the Consent Agenda and that during the September 13 meeting, during the discussion on the status of series 2017 debt certificates, that he had stated that in 2017 the pump center property was sold, and that in 2017, there was \$1.6M less in the debt service fund. Now there was \$4.8M in the fund, which was previously \$3.2M. He asked that his comment be added to the minutes.

Mayor Grasso asked if there were any Trustee or public comments or if any comments had been received via e-mail. There were none.

Motion was made by Trustee Franzese, seconded by Trustee Mital, to approve the amended minutes.

On Roll Call, Vote Was:

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

NAYS : 0 - None

ABSENT: 0 - None

There being six affirmative votes the motion carried.

CONSIDERATION TO DIRECT THE VILLAGE ATTORNEY TO PROCEED WITH THE FILING OF AN ADMINISTRATIVE TORT CLAIM AGAINST THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO SEEK RECOVERY OF VILLAGE COSTS UNDER THE FEDERAL TORT CLAIM ACT

Mayor Grasso stated that in April 2021, the Office of Inspector General of the United States Environmental Protection Agency (USEPA) released a report outlining the intentional conduct of certain USEPA officials. As a result of the admissions contained in the report, on May 24, the Board approved the expenditure of \$4,000 to work in conjunction with the Village of Willowbrook to hire the law firm of Schiff Hardin to examine the feasibility of pursuing legal action against the US Environmental Protection Agency related to its actions involving the Sterigenics matter.

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It was determined that the Village may pursue a claim through an administrative complaint filed first with the USEPA; the USEPA has six months to answer the complaint. The USEPA may attempt to settle and resolve the case during this initial 6-month period; however, if the USEPA does nothing in this 6-month period, it has the effect of a denial of the claim, and a “right to sue” letter will be issued to pursue the complaint in the Federal Claims Court. The costs/expenses the Village may seek must be directly related to the USEPA’s failures to act, which in the case of Burr Ridge, totaled \$85,000 between 2018 and 2019 for environmental expert services and consultations.

Trustee Paveza supported this. Trustee Mital agreed and asked what the legal fees would be. Mayor Grasso said that legal fees would be approximately \$10K. He also said that there had been some interest from area attorneys to assist and that other villages would also likely share information on this as they were also pursuing action.

Trustee Franzese said that he was deeply disappointed in the USEPA, as they deliberately delayed and misrepresented information. He said that there were currently residents who were struggling with cancer not only here but in surrounding areas, and that a message needs to be sent to the agency. Mayor Grasso agreed and said that the principal was more important than the dollars. Trustee Snyder thanked Mr. Walter, the Mayor, and those who worked so hard on this. Mayor Grasso said that a forum was held with Willowbrook and a USEPA representative was present to answer questions and had every opportunity to correct the record and the truth was not told.

Mayor Grasso asked for public comment. Rich Morton, Burr Ridge resident, stated that he had submitted a letter of support and felt that there was a problem at the USEPA – and that they are not protecting the environment, and that many don’t even know that they are victims. This was a small step that kept this in the public eye and thanked the Board for their efforts.

Mayor Grasso asked if there were any additional Trustee or public comments or if any comments had been received via e-mail. There were none.

Motion was made by Trustee Paveza, seconded by Trustee Schiappa to approve the Consideration.

On Roll Call, Vote, Was:

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

NAYS : 0 - None

ABSENT: 0 - None

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There being six affirmative votes the motion carried.

CONSIDERATION OF PLAN COMMISSION RECOMMENDATION TO AMEND SECTION IV.W OF THE ZONING ORDINANCE TO REVISE NOISE PERFORMANCE STANDARDS (Z-11-2021)

Evan Walter, Interim Village Administrator reviewed the Plan Commission recommendation that the Village move away from a technical standard of determining when noise is a nuisance, such as decibels and octave bands, and adopt a standard defined as “Excessively Audible”, wherein any noise which is transferred from one property to another which unreasonably impacts the receiving property’s ability to use their property would be considered an unpermitted nuisance, regardless of Zoning District. The Plan Commission felt that an “Excessively Audible” standard would allow for more responsive enforcement of nuisance noise and allow staff to make interpretive determination of issues at hand. As most of the noise complaints received by the Village are 1) isolated incidents as well as 2) solved by a simple courtesy request by responding staff (mostly Police officers), this standard allows for courtesy requests to hold greater weight of law. The Plan Commission also recommended several exemptions to these standards, which generally included actions such as emergency vehicles, snow fighting activities, routine activities at places of worship and schools, and other commonplace public activities. And in addition, residents and businesses would have the ability to seek one-time exemptions to these standards no more than twice per year to continue to permit an occasional special event on their premises, such as a wedding, birthday party, etc. Such exemptions would require an application to the Village Administrator and a mailed notification to all property owners and residents within a certain radius of the property several weeks prior to the event being held.

Mr. Walter stated that there had been a lot of discussion relating to addressing and governing noise, and that most complaints in the village had been resolved by a police officer visit, with about 99% compliance to the request. There are times where the noise issue does repeat itself and there is no compliance, so this zoning change allows for written ordinance tickets, at \$100-\$750 per occurrence. He mentioned that Plan Commission George Trzupsek was present at the meeting to answer questions.

Trustee Mital asked if the only time someone would get a citation was if they got caught with the noise violation. If they stopped the noise before the police got there, would there be a citation? Mr. Walter stated that a courtesy request would be made first.

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Trustee Paveza commented on a wedding he had at his home years ago, and that while his surrounding neighbors were at the event, he was surprised that there had been a noise complaint from eight blocks away. He did not realize that the noise traveled so far and was in support of this revision. Mayor Grasso said that residents should use their discretion, be understanding when neighbors have events, and to advise surrounding neighbors if hosting an event where the noise level might be high and identify when it will end. He said that there was a need for a noise ordinance, and that it won't be perfect and resolve every issue, but the Village is taking the first step.

Trustee Franzese thanked the Plan Commission for drafting the ordinance and said that excessive noise can be any time of the day and supported the recommendation. He asked, on the waiver relating to private events, if there was a quitting time identified. Mr. Walter said at a certain point there would be no exemption allowed, which would be between midnight and 6:00 am. Trustee Franzese asked if a resident had a private event exemption/waiver, and that there was a noise complaint during the day, would they be in violation. Mr. Walter said that they would not. Trustee Franzese also asked that HOA's be notified so that they could advise residents when there are any events where noise might be excessive. Mr. Walter concurred and stated he would make that addition.

Mayor Grasso asked for public comment. Richard Morton, Burr Ridge resident, asked for clarification on the noise from back-up generators and would decibel limits still apply. Mr. Walter stated that the noise ordinance would apply to back-up generators.

Mayor Grasso asked if there were any additional Trustee or public comments, or if any comments had been received via e-mail. There were none.

Motion was made by Trustee Franzese, seconded by Trustee Snyder to approve the Ordinance.

On Roll Call, Vote Was:

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

NAYS : 0 - None

ABSENT: 0 - None

There being six affirmative votes the motion carried.

CONSIDERATION TO DIRECT THE PLAN COMMISSION TO HOLD A PUBLIC HEARING TO CONSIDER A DEVELOPMENT MORATORIUM IN THE DOWNTOWN BUSINESS DISTRICT

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Evan Walter, Interim Village Administrator asked for direction from the Board regarding the enactment of a moratorium on any new development projects in the Downtown Business District. If a moratorium was considered, the Board must direct the Plan Commission to hold a public hearing on the matter at a future meeting. A moratorium places a temporary hold on certain types of development while a community studies a planning or land use issue. Illinois courts have recognized the use of moratoria as a viable land use tool, and the United States Supreme Court has acknowledged both the importance and appropriateness of moratoria in municipal planning efforts. Communities establishing a temporary moratorium should ensure the moratorium (1) advances a legitimate governmental interest, (2) relates to an issue the community is actively studying, (3) precisely defines what activities are subject to the moratorium, (4) only extends for limited duration of time, and (5) is clearly and completely communicated in the ordinance establishing the moratorium.

Given the Board's recent discussion of updating the Village's Comprehensive Plan as well as addressing zoning and economic development visions, goals, and outcomes in the Downtown Business District, a temporary pause in consideration of any new downtown development would allow for any desired adjustments to the Village's downtown regulations and future vision to be evaluated. The Plan Commission and subsequently the Board would review each of the above noted five standards to provide the public with an understanding of the goals of moratorium. The moratorium would then be lifted, while new developments would then need to comply with the updated Downtown plans and policies.

The moratorium on new Downtown development would likely last until the new Fiscal Year on May 1, 2022; extensions as needed would be permitted if approved by the Board. Under this scenario, interior remodeling projects, signage, outdoor dining, façade enhancement and minor site modifications would be permitted. Projects impacted by the moratorium would be new development projects such as an application for zoning relief (e.g. a Planned Development, setback/height variation requests, zoning amendments not led by the Village, etc.), redevelopment of a property, or major site modifications. It would not include any projects that have been previously approved. Staff is not aware of any projects which are imminently planned which would be injured by such a moratorium.

Mayor Grasso said that this would protect the village, as this area was currently zoned as light industrial. Trustee Schiappa asked if approving this would direct the Plan Commission to hold a public hearing. Mayor Grasso stated that this was just for major variations and gives the Village short term control. Mike Durkin, Village Attorney Mike Durkin stated that this would apply for a 6-month duration.

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Mayor Grasso asked if there were any additional Trustee or public comments, or if any comments had been received via e-mail. There were none.

Motion was made by Trustee Schiappa, seconded by Trustee Snyder to approve the Ordinance.

On Roll Call, Vote Was:

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

NAYS : 0 - None

ABSENT: 0 - None

There being six affirmative votes the motion carried.

PUBLIC COMMENT

Bob Minetz, representing the developer at 7950 Drew Avenue, the Cottages at Drew in Burr Ridge, requested that the Board consider a reduction or waiver of the required subdivision fees related to this subdivision. This includes approximately \$118,000 in fees that are a required element of all subdivisions which occur in the Village, as he said the fees are based on sidewalks and roadways which would not be impacted. He also stated that COVID-19 has affected the ability to economically develop the subdivision, as the subdivision was approved by the Village pre-COVID but would not be constructed until likely this fall and into 2022, and the development costs need to be brought down to make its development make sense.

Mayor Grasso asked for any additional public comment. There were none.

REPORTS AND COMMUNICATIONS

Trustee Mital said that the next concert in Burr Ridge was set for Sept. 30 and would-be Motown music, and that after that, there was one more concert which would be held. She also said that the Car Show and Taste of Burr Ridge would take place on Saturday, October 9, and that pre-sale tickets were available at a discount. Community Engagement Analyst, Hannah Weyant was looking for volunteers for this event and if anyone was interested, they should call the Village Hall. Each volunteer receives two free food tickets for the Taste of Burr Ridge.

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Trustee Mital also shared details on an event being held at Five Seasons, a “trunk and treat” event which will be a twist on trick and treating where candy will be passed out from cars in the parking lot. This event will take place on October 24 from 2:00-4:00 pm. She encouraged residents to attend.

Mayor Grasso said he had been monitoring the Capri Express awning issue and they have been compliant. This item (awning approval) was planned for the next Board agenda and asked if there was consensus of the Board to approve the awning for Capri Express. The Board unanimously approved. He also said that the PUD is coming up for County Line Square at the Plan Commission Meeting and the fire lane will be discussed.

Mayor Grasso appealed to residents who are not vaccinated for COVID, and to get vaccinated, if their health conditions allowed.

Mayor Grasso asked for a motion to adjourn the meeting.

Motion was made by Trustee Schiappa, seconded by Trustee Snyder to adjourn the meeting at 8:00 pm.

On Roll Call, Vote Was:

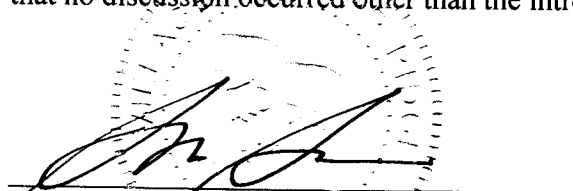
AYES: 6 - Trustees Schiappa, Snyder, Mital, Smith, Franzese, Paveza

NAYS : 0 - None

ABSENT: 0 - None

There being six affirmative votes the motion carried.

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.



Susan Schaus
Village Clerk
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 11th day of October, 2021.



**REGULAR MEETING
MAYOR & BOARD OF TRUSTEES
VILLAGE OF BURR RIDGE
VILLAGE HALL – BOARD ROOM**

AGENDA

**Monday, September 27, 2021
7:00 P.M.**

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **PRESENTATIONS AND PUBLIC HEARINGS**
 - A. Recognition of Richard Scherer as the American Public Works Association Chicago Metro Chapter Backhoe Competition Champion
 - B. Presentation of FirstNet Communication System
4. **CONSENT AGENDA**

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 September 13, 2021
 - B. * Receive and File Plan Commission Meeting of September 20, 2021
6. **ORDINANCES**
7. **RESOLUTIONS**
 - A. * Approval of a Resolution Granting an Extension of Subdivision Completion Deadline (7950 Drew Avenue – Cottages at Drew)
 - B. * Approval of a Resolution Endorsing the Metropolitan Mayors Caucus' 2021 Climate Action Plan for the Chicago Region

Public Comment Procedures: Public comments will be accepted in written or statement form prior to or during the meeting. Written public comments shall identify whether the comment is intended to address a specific agenda item or is intended for general public comment under Section 9 – Public Comment. Public comments may also be made during the meeting when discussing specific items on the agenda. Any person seeking to address the Board on topics not on the agenda may do so during Section 9 – Public Comment.

- C. * Adoption of a Resolution of Support and Financial Commitment for the Safe Routes to School Grant for Flashing Pedestrian Beacons on Wolf Road

8. CONSIDERATIONS

- A. Consideration to Direct the Village Attorney to Proceed with the Filing of an Administrative Tort Claim Against the United States Environmental Protection Agency to Seek Recovery of Village Costs Under the Federal Tort Claim Act
- B. Consideration of Plan Commission Recommendation to Amend Section IV.W of the Zoning Ordinance to Revise Noise Performance Standards (Z-11-2021)
- C. Consideration to Direct the Plan Commission to Hold a Public Hearing to Consider a Development Moratorium in the Downtown Business District
- D. * Approval of Recommendation to Issue a Right-of-Way and Grading Permit at 9400 Garfield Avenue ("Rustic Acres") in Support of the Oak Creek Club Homeowners' Association Basin Improvement Project
- E. * Approval to Hire Replacement General Utility Worker I in the Public Works Department to Fill the Vacancy Created by the Promotion of Alex Mezatis to Assistant Water Operator
- F. * Approval to Hire a Replacement Part-Time General Utility Worker I in the Public Works Department to Fill the Vacancy Created by the Promotion of Christopher Breakey to Full-Time General Utility Worker I
- G. * Approval of Vendor List Dated September 27, 2021, in the Amount of \$841,542.58 for all Funds, plus \$203,705.80 for Payroll for the Period Ending September 4, 2021 for a Grand Total of \$1,045,248.38, Which Includes Special Expenditures of \$11,011.00 to Orbis Solutions for Wireless Repair South Water Tower

9. PUBLIC COMMENT

10. REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

11. ADJOURNMENT – NEXT MEETING OCTOBER 11, 2021 @ 7:00PM