

March 1, 2016

**State of Illinois
County of Cook
Village of Stickney**

The Board of Trustees of the Village of Stickney met in regular session on Tuesday, March 1, 2016 at 7:00 p.m. in the Stickney Village Hall, 6533 W. Pershing Road, Stickney, Illinois.

**Upon the roll call, the following Trustees were present:
Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White**

Trustee Milenkovic moved, duly seconded by Trustee White, to approve the minutes of the previous regular session on Tuesday, February 16, 2016.

**Upon the roll call, the following Trustees voted:
Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White
Nays: None
Mayor Morelli declared the motion carried.**

Trustee White moved, duly seconded by Trustee Savopoulos that the bills, approved by the various committees of the Board, be approved for payment, and to approve warrants which authorize the Village Treasurer to draw checks to pay the bills, to be signed by the authorized signers, as provided for by the Ordinances of the Village of Stickney.

**Upon the roll call, the following Trustees voted:
Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White
Nays: None
Mayor Morelli declared the motion carried.**

A presentation was given by Executive Director David St. Pierre, of the Metropolitan Water Reclamation District who was invited to make a presentation to the Stickney Village Board on the subject of effluent water. In his presentation, Mr. St. Pierre started off his presentation by saying he had a funny story. He explained that they have a vision in the district to reuse whatever they recover from their plant. They have authorization from Springfield to do this. The industry they are in is moving toward this. They are moving toward sustainability purposes, water, energy and phosphorous for a start. We are in a water rich area. But, it is important that water is becoming the most valuable resource. So we want to learn how to reuse that. We have in our wonderful town the world's largest wastewater plant. It produces a lot of very clean water. It produces water that is higher quality than water that is provided in the tap in California and Nevada. It is extremely very good water. They believe that the water can be used more than once.

We have a wonderful neighbor right next door in Koppers. Koppers wants to expand their plant. They use a lot of water. They asked the MWRD if they could reuse some of their water. Koppers is putting in a reverse osmosis system. California is currently

using this for water-reuse-systems that are currently using effluent water from waste water plants to provide for tap water. Reverse osmosis is a process that provides ultra-pure water. The MWRD felt it was a great idea to reuse this product we were producing. They spoke to the Stickney Mayor and staff and they have this request. They know that our village recovers revenue from this water source. MWRD wanted to make sure that our town remains whole. They wanted to know what we were adding to the cost of city water to sell water to cover our expenses. They wanted to pay us that much for whatever is being used by Koppers that they would provide. He said that they understand that this is a very important issue. Everybody said that this was great that it would be a good project.

Mr. St. Pierre finally arrived at the funny part of his story. He addressed an intergovernmental agreement with the Village of Stickney. Then he referred to an email that he received letting him know that the Village of Stickney passed an ordinance prohibiting the use of effluent in the Village of Stickney. Mr. St. Pierre then walked into his General Counsel's office and said, "I don't know what you put in that Intergovernmental Agreement but he knew that it was responsible for this. If he was wrong, he would apologize. He asked for a copy of the IGA for his own review. He admitted that he used up two highlight pens on the things he didn't like.

Mr. St. Pierre wants to reset and provide water only to a neighbor (Koppers). He then referred to some of the things that were ridiculous such as: They required the village to supply water for a certain time frame (he believed it to be five years) at a certain price; to maintain part of the system; waive liability; and a lot of ridiculous things. He realizes that we are a small town and don't need any more responsibility. They reset their thinking to repay us what we make on water and any increases we have in the future. They will maintain this forever. They will have full liability for that. Any issues that we have with our system (which were discussed during our last meeting) they will cover that as well. He truly wants to make us whole. He thinks it is a great idea to sustain this planet by reusing the valuable resources that we have. It will provide a revenue of redemption to our neighbor Koppers so they could expand their plant and hopefully move forward.

Mr. St. Pierre humbly asked us to consider removing that ordinance banning effluent forever in the Village of Stickney. And, that we could work together in good faith.

Trustee Lazansky asked if this secondary water source that Koppers will be using for steam would it ever get into the water source that goes to the Stickney drinking water. That that would strictly be there and there would be no mistakes where that water would get into our drinking water. The reply was that there was no way that that would happen.

Mayor's Report: none

Clerk's Report: The people were informed that the next Village Board meeting will be held on Wednesday, March 16, 2016 instead of Tuesday, March 15, 2016 due to the Primary Election.

TRUSTEES' REPORTS: Trustee Fuentes gave the fire department report for the month of February, 2016 as follows: Ambulance calls: 53; Mutual Aid Calls: 5; Service Calls: 3; Fire Calls:9; Hazardous Condition Calls: 0; Motor Vehicle Accidents:1; Working Fires: 0; Brush/Trash Fire Calls:0; Car Fires: 0; Outside Equipment Fires: 0; Total calls for the month of February: 71; Total calls for 2016: 173.

Trustee Hrejsa acknowledged that at the Parks and Rec Advisory meeting a couple of residents and a couple officials mentioned during a discussion about having a clean-up day of the parks or streets on Earth Day that we never had an Earth Day event. Trustee Hrejsa came prepared with the knowledge of a 2011 and 2012 Earth Day. The Trustees in charge of the events at that time were Trustee Walik, Trustee Mares and Trustee Morelli. Mayor Morelli admitted that she remembered those events.

Trustee Milenkovic reported that he attended the first Midway Noise Combatibility Commission meeting for the year. There were ten members present. Therefore, they had a quorum. They were planning the Commissions 20th Anniversary luncheon which will take place in June. An exact date is unknown. Forest View did attend this particular meeting. They are going to start coming. There were five complaints from one house. Our noise decibel level was 51.7. The reading must be at 60 decibels to receive assistance. In addition, he has been working on updating a list of addresses for condos and apartment buildings who haven't been receiving our mailings. He is hoping to add them to our current mailing list. The clerk added in that she found such a list that was put together by Jeff Walik.

Trustee White moved, duly seconded by Trustee Savopoulos to accept the treasurer's report for the month of November, 2015.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Nays: None

Mayor Morelli declared the motion carried.

Trustee White reminded us that it is time for the electric switchover. Every resident is getting this letter concerning the switchover. The new company we are going with charges \$4.95 per month fee along with their rate of \$0.0620 per kWh. Right now ComEd is about one penny more than this company is. Although ComEd's rate is flexible, it can change at any time. The rate we have at \$0.0620 is fixed rate and it won't change for the next two years. But we also have that \$4.95 per month fee. When you look at your bill and study your kilowatt usage if you have 1000 kilowatts that is roughly \$10.00. If you are going with the new program, and you used 1000 kWh, you will save \$10.00 there. But, you must add the \$4.95 service fee. Therefore, you are going to save \$5.00. We have a lot of seniors who have bills that are \$50.00 or less year around average. It wouldn't make sense to go with this program. You won't save any money. Trustee White will save money with the new program because his summer bills are \$150 to \$180. So, if your bills average \$50.00 per month, you should check off the box to opt out and stay with Com Ed. He also reminded people to mail their opt out form to the address listed on the opt out form. They do not go to the village hall. He invited people to contact him with any questions.

DEPARTMENT REPORTS: Police Chief John Sladetz notified us of the recent death of former Police Chief Gary Dunow. He was a 26 year veteran. A moment of silence was held.

In addition, the chief announced the need for new Tasers. Ours were purchased in October of 2008. The original cost was \$8,100 in 2008. This time we are looking to get three. They will use some of the drug seizure 1505 account money. The cost for three Tasers is \$3,300.00. We are going into a Taser Insurance Plan. It would cost \$200.00 per year for each unit. This would be \$600.00 per year for the three units up to the fifth year. Then they send us new units, new batteries, new everything. We would be saving about \$290.00 per year for that. We are going to keep one of the old ones. The rest we will send back for whatever they do with them. He suspected that they send them overseas. The model is X26P. If they are not available in 2020, they would give us the latest technology. Trustee White asked how many officers carry a Taser. The Chief responded that we four Tasers. Each officer does not have his own Taser.

Public Works Supervisor Jeff Boyajian advised us that we have had 16.4 inches of snow. We have manpower issues with injuries, sickness, vacation and now a truck is down. He assures us that the garbage would be picked up in the same week.

Fire Chief Larry Meyer informed us that last week while driving on Pershing Road, the ladder truck had the front axle spring break. The truck is 60,000 pounds made in 1997. The parts will be shipped from Pennsylvania. He also mentioned seeing kids on hover boards. He reminded people of a recent house fire caused by the hover board lithium battery exploding. In addition, the chief reminded us that March is tornado awareness month. It is a real possibility. He suggested that we have a preparedness plan. FEMA is a good resource for information.

OLD BUSINESS:

Trustee White moved, duly seconded by Trustee Savopoulos to pass and approve Ordinance 2016-07, "An Ordinance Clarifying the Duties of the Village Attorney" (vote to be taken pursuant to Section 2-74 of the Municipal Code, Village of Stickney, Illinois).

Prior to the vote, Trustee Lazansky asked if it has to be taken off the table. Trustee White explained that he asked to have it put on the agenda. Trustee Lazansky then opened the right to discussion. He asked how this ordinance come about. The first time I heard about it was when he read it about one month ago. Why was it brought up too. Trustee White responded that he thought it better serves our community to have this position under the guise of our Village Attorney. Trustee Lazansky questioned, "In what way" . Trustee White replied, "It is cost savings." Trustee Lazansky asked, "Can you prove that it is cost saving in any way, I don't see it." Trustee White used an analogy. "If you had to have your appendix out and you had a choice to go to MacNeal Hospital and the cost would be \$200.00 or you could go to Hinsdale Hospital and it would cost you \$200.00." "Where would you go?" Trustee Lazansky replied, "The closest hospital in case the appendix burst." Trustee White continued, "Say that the guy at MacNeal is rated #3 in the country and the guy at Hinsdale is rated #1 and it cost you the same." "That is my analogy." He

went on to explain, "We have a village attorney that has 100% consent of this board." Trustee Lazansky chimed in, "He is a good attorney." Trustee White agreed, "He is a good attorney." Trustee White added in, "We have a Village Prosecutor that is not confirmed by the board." Trustee Lazansky said, "He is appointed by the mayor." Trustee White repeated, "He is not confirmed by the board." Trustee Lazansky repeated, "He is a good attorney." Trustee White responded, "I am not saying that he is not." (There was cross talk going on at this point.) Trustee White said, "You are putting words in my mouth." He continued, "I am not saying that he is not a good attorney." At this point, Trustee Fuentes remarked, "You are referring to it by using your analogy." Trustee White continued, "I just believe that we better serve the community, and the spending of their money to get the best we can get for what we spend." Trustee Lazansky asked, "Even if it was going to cost more money?" Trustee White responded, "It is not going to cost more money." Trustee Lazansky emphatically responded, "You don't know that." "You don't know that." "You may be saying that it is not, but you don't actually know that." Trustee White answered, "It is a fixed amount of money you get paid for that." Trustee Fuentes added in, "It is average amount of calls is between four and eight hours per day." "We don't know how long it is going to take." She continued to say, "Mike's rates are \$195.00 per." Trustee White clarified, "It is not for that position, the prosecutor." "It is fixed at \$900.00. Trustee Fuentes continued, "But, Mike's rates are \$195.00 per hour." There was cross talk between Trustee Fuentes at this point. Trustee White responded, "I am sure that John Xydakis' rates as a regular attorney somewhere are close to that amount as well." Trustee Fuentes continued to argue her point by doing math. Trustee White asked, "Do you understand fixed?" "Do you understand fixed?" Trustee Fuentes responded, "She didn't see anything in our current attorney fee schedule a fixed rate for prosecutor." Trustee White clarified, "It is in the agreement that it is \$900.00 fixed." Trustee Fuentes questioned, "In the current agreement with the current Village Attorney?" Trustee White told her, "Ask your mayor." Trustee Lazansky asked out of curiosity, "How many trustees know about this before it became an ordinance." Trustee Lazansky and Trustee Fuentes responded, "I didn't." Trustee White said, "I am here every day." "The people who are here every day, I did speak to them." Trustee Lazansky said, "He is there a couple of times per week." Trustee White continued, "I have tried to explain some things to you before, and don't have much luck." "So I know now that I know that we have four votes to pass this. . . . At this point, Trustee Lazansky spoke over Trustee White's words. Trustee Lazansky enforced, "In my opinion, Trustee White, it is all political." Trustee White responded, "You are making it political." Trustee Lazansky reiterated, "You are making it political by trying to get rid of the prosecutor." "A position that the mayor appointed." "You are taking the power away from our mayor." Trustee White continued, "No I am not." "Because she appoints the Village Attorney and the Village Attorney is her appointment." "Confirmed by this board 100%." "We are not taking anything away." Trustee Savopoulos interjected, "Let's not forget that he is her campaign manager." "You are right, it is political." "That is all I have to say." Trustee White told us that, "It is not unusual, in the past, Stanley Kuser's office handled the whole thing." "We have since found that in the interim, we have found that whatever law firm we since used can't be both the prosecutor and adjudicator." "But our Village Attorney can be both the Village Attorney and the prosecutor." "And, I am very happy with the adjudicator." "She does a fantastic job." He further added, "I have sat in on many court sessions and he mentioned that anyone who has sat in there knows that she does a fantastic job." Trustee Lazansky agreed but added, "So

does our prosecuting attorney." "I haven't heard one complaint in the last three years about him not doing his job." "In fact you want to affect his job plus take away the mayor's appointment which makes no sense to me at all." Trustee White responded, "Again I am not taking the appointment away, the appointment falls under the same realm of the Village Attorney if we pass this ordinance." "It is still under the Village Attorney" Trustee Lazansky questioned, "So you are eliminating the prosecutor position and you are eliminating the mayor's appointment." Trustee White responded, "No, why would I eliminate the position?" Trustee Lazansky questioned, "So she can appoint who she wants?" Trustee White asked, "Did you read the ordinance?" Trustee Lasansky replied, "No, I didn't read it." Trustee White was in disbelief, "How could you even question anything, if you didn't read it?" Trustee White then told him to take five minutes and read it. Then Trustee Lazansky mentioned that he did read it. He said, "I read it when he first got it a month ago." "You are taking the appointment away from the mayor, correct?" "You are not taking the prosecutor position away?" Trustee White clarified, "Under the umbrella of the Village Attorney. . . which is her appointment." Trustee Fuentes added in, "Under the excuse of cost saving." "But it is not cost saving." Trustee White explained, "I do think it is cost saving." He continued, "I have minutes here from the closed session (which are public now) we had, the last Village Attorney we had, he made a statement about the prosecutor that he was maybe getting his education at the cost of the village. That was his opinion." Trustee White continued, "My whole thing is the municipal knowledge that our Village Attorney has is just phenomenal." "I think when we spend the Village's money, we should get the best we can get for the money." Trustee Lazansky responded, "As far as the municipal lawyer, but in the prosecuting, he thought that any decent lawyer can be a prosecutor. Trustee White injected, "You know a lot more about it than I do." Trustee Lazansky mentioned, "I know that the law firm we have right now are cheaper than in 2010 during the past administration." "A lot less." Trustee White responded, "In the five years that I have been here (you have been here a lot more than I have) to work with three different law firms." "The firm we have now serves our board and our village better than anyone we have had before." Trustee Lazansky agreed, but, do not see taking away the mayor's appointment on her prosecuting attorney she chooses and that is his opinion." Lastly, Trustee White said, "And, I got to voice my opinion."

Trustee White asked if we could get to a vote.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Hrejsa, Milenkovic, Savopoulos and White

Nays: Trustee Fuentes, Lazansky

Mayor Morelli stated at this time I vote No. I, as Village President, am entitled to vote on this Ordinance for the following reasons:

First, This Ordinance relies on Illinois Municipal Code section 5/3.1-30-5 (b), which states by Ordinance or resolution to take effect at the end of the current fiscal year, the corporate authorities, by a two-thirds vote, may discontinue any appointed office and devolve the duties of that office on any other municipal officer.

The Illinois Municipal Code Section 1-1-2 (d) defines the corporate authorities as the president and trustees. Hence, I as President, am entitled to vote.

Second, the Illinois Municipal Code Section 3.1-40-30 provides that the President may vote “where a vote greater than a majority of the corporate authorities is required.” Here, the vote needed is 2/3, which is greater than a majority.

The Village of Stickney Code at Section 2-74 specifically sites both Illinois Municipal Code sections 65 ILCS 5/3.1-40-30 and 65 ILCS 5/3/1-45-5 for support.

However, these Illinois Municipal Code sections make clear that the President shall vote when a greater than a majority of the corporate authorities is required by the Illinois Municipal Code. As such, the Illinois Municipal Code takes precedence.

Also, no referendum was ever passed by the Village residents limiting the President’s voting powers.

As the Ordinance conflicts with Illinois law and the Stickney Municipal Code relating to the powers and duties of the President, including the right to appoint, I as Village President have a right to vote.

Since I note No, the vote is 4 to 3 which is not 2/3 or greater and the Ordinance does not pass. Any further discussions will have to be addressed by our legal counsel.

Trustee White makes the Point of Order that the Mayor does not have the right to vote on this matter, as this vote was taken pursuant to Section 2-74 of the Village Code as set out in the agenda for this meeting, and that the chair should deem that this ordinance has been approved by a sufficient two-thirds majority.”

Trustee Savopoulos asked if that was a motion. Trustee White said, “I appeal from the decision of the chair.” Trustee Savopoulos duly seconded that motion. Trustee White again said, “I appeal from the decision of the chair.” Trustee Savopoulos duly seconded that motion. Trustee White for a third time said, “I appeal from the decision of the chair.” Trustee Savopoulos duly seconded that motion.

Trustee White said, “Shall the decision of the chair be sustained?”

Trustee White asked that a call for a vote be taken.

Upon the roll call, the following Trustees voted:

Ayes: Trustee Lazansky

Nays: Trustees Fuentes, Hrejsa, Milenkovic, Savopoulos and White

Trustee White declared that [Mayor Morelli’s ruling on the Point of Order was not sustained by the Board and therefore] the Ordinance is passed.

Before Trustee Lazansky voted, he stated that he (Trustee White) doesn’t have the right to do that. Does he? He then asked that it be clarified. Village Attorney Del Galdo explained that you can vote yes or no based on Trustee White’s appeal. If you are voting no, you are essentially determining that the mayor doesn’t have a right to vote. If you are voting yes, you are agreeing that the mayor has a right to vote. Trustee Lazansky then asked if Trustee Fuentes could change her opinion? The clerk informed them that they cannot do that. The Village Attorney agreed. Trustee

Lazansky stated that something like this never occurred. Trustee White mentioned that any discussion can only come after the second not during the vote. The vote continued.

At this point, Mayor Morelli said, the vote is 4 to 3 which is not 2/3 or greater and the Ordinance does not pass. Any further discussion will have to be addressed by our legal counsel.

Trustee White now said, "Again I am going to ask our clerk to record the Ordinance as passed in the minutes. The clerk said, "I am declaring the vote has passed in the minutes."

Trustee Lazansky said, "I am declaring that whatever the mayor said that is shouldn't be passed. As long a trustee put in there that it could be passed, then why can't a trustee put because of a vote. Doesn't the mayor have any say so in the matters? Trustee White said, "She had her say." "Just like you had your say."

At this point, the mayor handed her script to the clerk and asked her to include it word for word.

PUBLIC COMMENT:

After the public comment portion of the meeting Trustee Fuentes asked if she could change her position because this is the first time she has gone through this. Village Attorney Del Galdo explained that the motion was to appeal of the decision of the chair. Meaning, was the decision of the chair be sustained. You (Trustee Fuentes) voted yes. As a member of the board have the right to choose your vote before the result is announced. You attempted to change your vote. You weren't permitted to change your vote. I assume these minutes will be carefully scrutinized one day. It is his advice, whether it is a revote for clarity, if your intention was to change your vote you have the right to do it before the result was announced. It doesn't affect the passage of that vote. Right now I have it listed as votes of NO. Voted No to sustain the decision of the chair. The chair announced the Ordinance failed. You (Trustee Fuentes) voted No along with four other trustees making the final vote announced five to one to not sustain. If you would like to change your vote were it permitted, I would just like to make the record clear so no one would say that there were procedural errors. Trustee Fuentes did say that she wanted to change her vote but was not permitted. So the boards options are by Roberts Rules you could then by vote (but it has to be unanimous) give her the right to change her vote after the announcement is declared. He recommended that the board make a motion and seconded only for clarity of the record that she be permitted to make it clearer, if not I would advise that you had procedural errors. The procedure would be she would make a motion and there would have to be a second and it has to be unanimous decision of the board. Following the unanimous decision (Trustee Fuentes) could change your vote.

Trustee White moved, duly seconded by Trustee Lazansky to grant permission to Trustee Fuentes to change her vote after the result had been announced. Prior to the result being announced she had the right to change her vote.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Nays: None

Mayor Morelli declared the motion carried.

Village Attorney Del Galdo explained, by having unanimous approval of the board to change her vote, he asked Trustee Fuentes if she wanted to re-recall the roll, or, do you simply want to state for the record that it was your intention to vote yes for the motion to sustain the decision of the chair. Trustee Fuentes then stated, "It was my intention to vote yes."

Village Attorney Del Galdo further explained she had the right to change her vote to clarify. Then there was a roll call which is required by Robert's Rules. The roll call was unanimous. The motion to allow her to change her vote. For the roll would be on the question of should the question of the chair be sustained. Trustee Fuente's vote should be recorded as a yes. Trustee Lazansky's vote should be a yes (previously). The remaining four members voted no. It has no effect on the outcome of the vote. The motion not sustaining the chairs ruling carried. And your statement, Madam Clerk, for the record has not changed.

It has no effect. Now it is recorded as a 4 to 2 vote. Previously it had been a 5 to 1 vote. All this does is grant her permission to change her vote. It is changed from no to yes.

Trustee White moved, duly seconded by Trustee Savopoulos to adjourn into closed session.

Discussion Regarding the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body (Consideration of this matter held in Closed Meeting/Executive Session Pursuant to 5 ILCS 120/2 (c)(1)(2014)).

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Milenkovic, Savopoulos and White

Present: Trustee Lazansky

Nays: None

Mayor Morelli declared the motion carried.

Motion to adjourn into executive session 8:10 p.m.

Trustee White moved, duly seconded by Trustee Savopoulos to return to open session at 8:45 p.m.

Upon the roll call, the following Trustees voted:

Ayes: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

Nays: None

Mayor Morelli declared the motion carried.

Village Attorney Del Galdo asked the clerk to enter into the record that no action was requested of the board and no final action was requested or taken. It was for information only.

There being no further business, Trustee Lazansky moved, duly seconded by Trustee Hrejsa that the meeting be adjourned. Upon which the Board adopted the motion at 8:46 p.m.

Respectfully submitted,

Audrey McAdams, Village Clerk

Approved by me this 17th day of March, 2016

Deborah E. Morelli, Village Mayor