

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
September 17, 2007

CALL TO ORDER

Mayor Larson called the September 17, 2007 regular meeting of the Board of Trustees to order at 7:30 PM in the Municipal Building: 874 Main Street, Antioch, IL

ROLL CALL

Following the Pledge of Allegiance, roll call indicated the following Trustees were present: Hanson, Caulfield, Crosby, and Wolczyk. Also present were Mayor Larson, Acting Administrator Keim, Attorney Simon and Clerk Rowe. Absent: Trustee McCarty and Trustee Pierce.

APPROVE BALANCE OF AGENDA FORM

Trustee Wolczyk moved seconded by Trustee Hanson to approve the balance of the meeting agenda as presented. Trustee Crosby said that he would like to add an item to the agenda. Trustee Hanson removed his second and Trustee Wolczyk removed his motion to approve the balance of the agenda as presented. Trustee Crosby stated that he would like to move to approve the agenda including his motion. Mayor Larson explained that items can be added to the agenda for discussion and that action could not be taken. Trustee Crosby said there would be no action required. Mayor Larson asked Trustee Crosby what the motion would be. Attorney Simon said the item can be added now and addressed when it comes up on the agenda. Mayor Larson asked Trustee Crosby what committee he would like to add the item to and he responded that he would like to add the item under the Mayor's portion of the agenda. After a brief discussion Trustee Crosby said that he would like to add his item under the Clerk's section of the agenda. Attorney Simon said that in order to put an item on the agenda, there needs to be disclosure to the public as to what is being considered. He further explained that an item has to contain specifics on what Trustee Crosby intends to discuss. Trustee Crosby said that he intends to discuss the removal of Bob Caulfield from the meeting two weeks ago.

Trustee Crosby moved, seconded by Trustee Hanson to approve the balance of the agenda and adding the discussion regarding the removal of Bob Caulfield from the meeting two weeks ago under the Clerk's report. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby, and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

AUGUST 6, 2007 PUBLIC HEARING MINUTES

Trustee Hanson moved, seconded by Trustee Wolczyk to approve the minutes from the August 6 2007 public hearing as presented. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby, and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

AUGUST 6, 2007 REGULAR MEETING MINUTES

Trustee McCarty moved, seconded by Trustee Wolczyk to approve the minutes from the August 6, 2007 Village Board regular meeting as presented. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby, and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

AUGUST 20, 2007 REGULAR MEETING MINUTES

Trustee Hanson moved, seconded by Trustee Crosby to reject the August 20, 2007 regular meeting minutes since it was a 'non-meeting'.

Attorney Simon explained that the record of the Village has to indicate the course of action and whatever occurs during regularly scheduled meetings. He said that whether or not the Board approved minutes does not mean the meeting did not occur. Attorney Simon said that if the Board disagreed with the way the minutes described the course of events during the meeting, they can reject the minutes on that basis and he reiterated that the minutes of the Village should reflect what occurred on August 20, 2007. Trustee Hanson said there was no meeting that night. Mayor Larson said there was a meeting that was opened, it was recognized that there wasn't a quorum of the Board, and the meeting adjourned. Trustee Hanson said that if you open it and then close it; then there are no minutes. Trustee Caulfield asked if it made sense to not have any motions and take no action on this item. Trustee Crosby removed his second and Trustee Hanson

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removed his motion. Attorney Simon said that an item can die for lack of action. No further action was taken.

PETITIONS/BIDS

Clerk Rowe read into the record the following bids received for the Waste Water Treatment Plant improvements. Bids were opened on September 6, 2007 at 3:00 p.m.

Contractor	Signature / Schedules	Bid Security	Total Base Bid
Williams Brothers P.O. Box 1366 Peoria, IL 61654	Yes A & B	Bid Bond	\$14,130,000
River City Construction 10631 Wolf Drive Huntley, IL 60142	Yes A & B	Bid Bond	\$14,285,000
Riley Construction 926 North Shore Drive Lake Bluff, IL 60044	Yes A & B	Bid Bond	\$15,500,000
Manusos General Contracting 91 Christopher Way Fox Lake, IL 60020	Yes A & B	Bid Bond	\$14,100,000
Joseph J. Henderson & Son 4288 Old Grand Avenue P.O. Box 9 Gurnee, IL 60031	Yes A & B	Bid Bond	\$13,700,000
Engineer's Estimate			\$14,200,000

Trustee Crosby moved, seconded by Trustee Hanson to accept into the record the bids received for the Waste Water Treatment Plant Improvements. Bids were opened on September 6, 2007 at 3:00 p.m. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby, and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

MAYOR

No report.

CLERK

Trustee Crosby said that he would like to make a motion to censure the Mayor for running roughshod over our rights of free speech guaranteed by the First Amendment of the United States Constitution and Article 1 of the Illinois Constitution. In clarification of his motion, Trustee Crosby specifically addressed the Mayor's unlawful removal of Trustee Caulfield at the last Board meeting and her acts from removing an action item from this meeting agenda. He said the public and press should understand that the Mayor has absolutely no power to remove a sitting Trustee from a meeting just because she does not like he says. The right of political speech is the most solemnly protected right in our laws because it is the most fundamental to a free society. If we continue to stand idly by, while the Mayor acts as she wishes then we give her the power to dictate whether anyone would be able to raise a voice of consent. Trustee Crosby went onto to quote from Wendell Phillips in 1852 and said the Mayor continues to insult the independent Trustees whenever she does not agree with their actions. He said the Mayor should be in the role of facilitator rather than detractor and agitator anytime the Trustees differ with the Mayor's or her parties followers admonitions to fall in line with old policies, practices, changes to the law or any other action that might have been taken without opposition prior to the last election. The Mayor can best serve the residents of this Village by being the peace maker and the leader of all the Board and not just the opposition; to do otherwise is un-American and not in any interest of all citizens, including the thousands that elected us. For these reasons, Trustee Crosby moved to censure the Mayor and put her on notice that this Board will not allow further incursions into their liberties and rights and of our citizens. Trustee Hanson seconded the motion.

Attorney Simon explained that this item wasn't on the agenda in advance, so the Board is free to deliberate, discuss it and direct the Clerk to place this item on the next Village Board agenda. Trustee Crosby said that he would like it placed on the next agenda.

Mayor Larson said that she had Mr. Caulfield removed from the meeting because he was out of order. She said that she ruled him out of order at least ten times; he would not recognize the Chair asking him to step down and that is why he was asked to leave the meeting; because he was not behaving in a civilized way and we go by Roberts Rules of Order and those were the rules that she was adhering to. Mayor Larson said that if anyone should be censured, it should Trustee Caulfield because he was not being recognized and continued to take the floor.

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Trustee Hanson read from Robert Rules of Order and referred to the Village Ordinance Section 1-4-6-14 where it states that on motion censured by a majority vote of the members present or upon motion would allow the Member to resume the floor. Trustee Hanson said that he was deeply upset with the Village Attorney who did not help them get through this rule and that is why he has a problem with Attorney Simon and feels that he doesn't come to the Trustees aid as he should.

Mayor Larson said that Trustee Caulfield was bringing motions to the floor that were not on the agenda; that were not legal items, he was calling votes and that he had no authority to do so. She said that is why she ruled him out of order several times and that the floor did not recognize him. She said Trustee Caulfield did not stop and she had no recourse except to have him removed. Trustee Hanson said the Attorney should have advised them of the rules at the time. Mayor Larson asked Trustee Hanson what he would have done if Attorney Simon explained the rules at the time. Trustee Hanson stated that they could have done exactly what the rule says, that upon the majority of the board the Trustee would be allowed to continue. Mayor Larson asked Trustee Hanson if he meant that the majority of the board could have taken an illegal vote. Trustee Hanson said that was the Mayor's opinion and that he didn't know if it would have been illegal or not. Trustee Crosby said the issue is not about the vote, it's about her right to remove a sitting Trustee from the dais without the board having an opportunity to make any kind of comment on it. Trustee Crosby said that he has since learned that the board has a right to object to and vote on her order. He said that is why they need an attorney to help them understand their options. Mayor Larson discussed the legislative counsel ordinance and that the majority of the board wants it approved, but there is a process and that is what she is adhering to. She said that Trustee Caulfield was not adhering to the legal process. Mayor Larson said that meeting was Attorney Simon's second official meeting, his first meeting with a full board and we have a Trustee that tries to take over the meeting and is making motions and calling for the vote when he's been ruled out of order and the Board expected Attorney Simon to be able to quote our Village Code off the top of his head. She said the Board members had a month to dig through and find ordinances that are going to benefit their cause and now you think Attorney Simon should have told you at that moment when hysteria was running ramped in this room. Trustee Crosby this is about parliamentary procedure. Mayor Larson said that Trustee Crosby was right and the procedure was not being adhered to.

Following further discussion, Attorney Simon said that he as been serving as Village Attorney for a very brief period of time and said the best way for the Trustees and his firm to develop a level of trust that would be productive toward the best interest of the village is to engage in a dialogue. He said that he is more than happy to engage in a dialogue with the Trustees so that we can examine how to achieve their goals. He explained that his job is not to make business decisions, but is to inform the Board in the best manner that he can and his firm provides support. He said if the Trustees are interested in achieving goals and objectives he would be happy to examine ways to do that. He said that he's not been engaged in that dialogue except for on a limited basis and he is interested in continuing dialogue to see how they can achieve their goals. Attorney Simon said that in regards to the broader agenda items, if those items are not discussed with him, he can't do the best job he is capable of doing. He said that he is looking forward to being a partner with the Board so that we can help the Board and Village achieve their goals and appreciates the opportunity.

ADMINISTRATOR

Resolution Authorizing a Representative to Sign Loan Documents – Acting Administrator Keim reviewed the resolution and said this resolution was previously signed by former administrator Haley. He said in order to proceed, the IEPA has requested a new resolution authorizing him to sign the loan documents.

Trustee Hanson moved, seconded by Trustee Crosby to approve **Resolution 07-14** authorizing James Keim as the representative to sign loan documents. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

COMMUNICATIONS

Letter from Sheryl Holmes dated September 4, 2007 - Clerk Rowe read into the record the letter dated September 4, 2007 from Attorney James Lumber who represents Sheryl Holmes. His letter simply confirms that she has notified the Village of circumstances regarding two ash trees that overhang her property and urged the Village to take some action to reduce the possibility of injury or damage. Acting Administrator Keim said that he and Public Works Director Bill Smith looked at the situation and it's no different than hundreds of other trees in the right-of-way and said there is not immanent danger. Mayor Larson said that we would keep any eye on the situation. There was a brief discussion regarding trees in the village right-of-way and if there

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was a program in place. Acting Administrator Keim said that once a year the village does tree trimming and trying to shape younger trees and also to allow snow plows and street sweepers to get by unencumbered. He said the village does not inspect every tree and simply look for hazards and to improve the formation of trees. He went on to say that we have a number of old trees and that we do not have a program to remove dead branches from all of those trees. Trustee Crosby asked if an explanation of the process be put in a future newsletter. He also discussed the ash borer and asked who would check on those types of situation. Acting Administrator Keim said that he believed that is a State initiative and Village does not have a program in place. There was a discussion on the procedure residents could follow should they find an ash borer and publishing information in the newsletter.

CITIZENS WISHING TO ADDRESS THE BOARD

John Horan, Hillside resident, discussed the recent circumstance involving Trustee Caulfield's removal from a meeting and said the sitting Trustees should know the rules. He said that Trustee Crosby and Trustee Wolczyk are new Board members, but Trustee Hanson and Trustee Caulfield should know the meeting rules. He said they have been on the Board a long time and if they don't know the rules by now, we need to replace them and there is no excuse for that. He said the Village has an Attorney and the Board should work with the Attorney. He also discussed the time when former Mayor Shineflug asked the Board to hire another Attorney and she was told by the Board that it was against the law. He said that the longer termed Trustees should remember that. He also said there are too many issues not being solved and as a taxpayer sitting in the audience and reading the newspaper, he didn't think the Board has accomplished anything.

Mary Turner, Osmond Avenue resident, said that she came to talk about the Antioch Marketplace and how desperate we need, but she had to comment on the situation regarding Trustee Caulfield. She discussed the information that is available to the Trustees regarding the rules and meeting process. She also discussed the Mayor's and Trustee's jobs are as outlined in the Village Code and suggested the Board read them. She said just sitting on the Board does not give them absolute power and explained the legislative and executive branch of the Board and said the rules are in place for a reason. Ms. Turner said the Boards behavior is embarrassing thinks that some are enjoying it. She went on to say that perception is reality and the public's perception is that when there is anything important to vote on; they have to fight about it first. She said enough is enough and the public is sick and tired of it; it's embarrassing and she urged the Board to get on with their job as Trustees.

FINANCE: CHAIRMAN: CROSBY; CAULFIELD, PIERCE

Payment of invoices over \$10,000 Informational Report – Finance director Joy McCarthy reviewed the informational report of payment of invoices of \$10,000 and over dated September 17, 2007 prepared by village staff. Invoices included were: Alliance Contractors, Inc in the amount of \$20,941.20 for Lake Street streetscape; Blue Cross Blue Shield in the amount of \$87,427.92 for employee health insurance; ComEd in the amount of \$15,464.69 for street lights and Stewart Spreading Inc. in the amount of \$13,645.50 for biosolid transport.

Summary of Escrow payment report – Finance director Joy McCarthy reviewed the informational reports dated September 17, 2007 as prepared by village staff and totaling \$3,104.81.

Accounts Payable – Trustee Crosby moved, seconded by Trustee Wolczyk to approve the payment of accounts payable dated September 17, 2007 and in the amount of \$229,088.62.

Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Payroll Expense Report dated August 24, 2007 - Trustee Crosby moved, seconded by Trustee Wolczyk to approve as presented the Payroll Expense Report dated August 24, 2007 in the amount of \$263,752.67. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

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Authorize payment of manual checks written to date as prepared by the village staff

- Trustee Crosby moved, seconded by Trustee Hanson to approve the manual checks written to date report dated September 14, 2007 and in the amount \$30,815.51. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Financial Report for the month ending August, 2007 – Finance Director McCarthy reviewed the monthly financial report for the month ending August, 2007 showing an ending balance of \$12,744,102.03 and the cash and investment report.

LEGISLATIVE AND HUMAN RESOURCES: CHAIRMAN: McCARTY; CAULFIELD, HANSON

Legislative Counsel Ordinance – Following distribution of the latest draft of ordinance, Trustee Caulfield moved, seconded by Trustee Wolczyk to waive the second reading the ordinance. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Trustee Caulfield moved, seconded by Trustee Crosby to approve and publish in pamphlet form **Ordinance No. 07-09-22**, entitled, **AN ORDINANCE ADDING §1-5-11 OF THE MUNICIPAL CODE OF ANTIOCH AUTHORIZING THE CORPORATE AUTHORITIES TO ENTER INTO A CONTRACT FOR LEGISLATIVE COUNSEL SERVICES**. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

PLANNING, ZONING AND BUILDING: CHAIRMAN: WOLCZYK; CROSBY, McCARTY

Façade Improvement Program – Planning and Zoning Director Nilsen reviewed his report dated September 16, 2007. Following a brief discussion, this item has been placed on the September 25, 2007 Committee of the Whole agenda.

ENGINEERING: CHAIRMAN: HANSON; McCARTY, WOLCZYK

Resolution – Redwing View Subdivision Acceptance – Acting Administrator Keim reviewed the resolution regarding Redwing View Subdivision. Trustee Hanson moved, seconded by Trustee Wolczyk to approve **Resolution No. 07-15**, and entitled, **Final Approval – Subdivision Improvements Redwing View**. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Notice of Intent to Award WWTP bid to Joseph J. Henderson & Sons, Inc – Acting Administrator Keim explained the project and that he just received approval from the EPA to construct the waste water treatment plant that has been in process for about two years. He reviewed the EPA and the State Revolving Loan Fund program the required notice of intent to award the bid. Following discussion, Trustee Hanson moved, seconded by Trustee Crosby approve the Notice of Intent to Award WWTP bid to Joseph J. Henderson & Sons, Inc. in the amount of \$13,700,000. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

PUBLIC SAFETY AND COMMUNITY SERVICES: CHAIRMAN: CAULFIELD; McCARTY, CROSBY

Approve Special Event Liquor License for: St. Ignatius of Antioch, for October 13, 2007, waiving fees – Trustee Caulfield moved, seconded by Trustee Wolczyk to approve the Special Event Liquor License for St. Ignatius of Antioch for October 13, 2007 and waiving fees. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

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Approve Raffle License Requests: St. Ignatius of Antioch, drawing held on October 13, 2007 – Trustee Caulfield moved, seconded by Trustee Hanson to approve the Raffle License request for St. Ignatius of Antioch with the drawing to be held on October 13, 2007. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Approve Raffle License Requests: Antioch Community High School, 50/50 raffle and drawing held on October 10, 2007 – Trustee Caulfield moved, seconded by Trustee Hanson to approve the Raffle Licenses request for Antioch Community High School with the drawing to be held on October 10, 2007. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Tag Day Request: Approve Girl Scout Cookies Sale Programs - Trustee Caulfield moved, seconded by Trustee Crosby to approve the Girl Scout Cookie Sales programs as presented. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Authorize the advertisement for bid for the purchase of 3 police cars - Police Chief Foerster reviewed his letter dated August 13, 2007 regarding the purchase of 3 new police cars. Trustee Hanson moved, seconded by Trustee Caulfield to authorize the advertisement for bid for the purchase of three police cars. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Other Business – Update on Route 83 - Acting Administrator Keim said that he had discussions with Senator Michael Bond concerning funding and regarding the road condition on Route 83.

INFORMATION TECHNOLOGY: CHAIRMAN: PIERCE; WOLCZYK, HANSON

Staff report and possible action concerning IT support agreement – Director Nilsen reviewed the process taken by staff regarding the review of technical support and website maintenance firms. This item will be further reviewed at the September 25, 2007 Committee of the Whole meeting.

Discussion regarding video taping Village Board meetings – Clerk Rowe discussed the research to date concerning video taping Village Board meetings and broadcasting the meetings on a local cable channel and/or web casting the meeting through the village website. Requests for proposals will be prepared and the Board would be updated as the project progresses.

ATTORNEY

Executive Session; Pending Litigation - Trustee Hanson moved, seconded by Trustee Wolczyk for the Mayor and Board of Trustees to go into executive session at 9:15 p.m. to discuss pending litigation. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

Return from Executive Session – Trustee Crosby moved, seconded by Trustee Hanson for the Mayor and Board of Trustees return from executive session to the open meeting at 10:14 p.m. **with no action taken.** Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 2: McCarty and Pierce.

THE MOTION CARRIED.

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ADJOURNMENT

There being no further discussion, Trustee McCarty moved seconded by Trustee Crosby to adjourn the regular meeting of the Board of Trustees at 10:15 p.m.

Respectfully submitted,

Candi L. Rowe, RMC/CMC
Village Clerk