

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
August 20, 2012

I. CALL TO ORDER

Mayor Hanson called the August 20, 2012 regular meeting of the Board of Trustees to order at 7:30 PM in the Municipal Building: 874 Main Street, Antioch, IL.

II. PLEDGE OF ALLEGIANCE

The Mayor and the Board of Trustees led the Pledge of Allegiance.

III. ROLL CALL

Roll call indicated the following Trustees were present: Pierce, Sakas, Poulos, Crosby and Dominiak. Also present were Mayor Hanson, Attorney Long, Administrator Keim and Clerk Folbrick. Absent: Trustee Jozwiak.

IV. Absent Trustees Wishing to Attend Remotely

Trustee Jozwiak asked to attend the meeting remotely. There were no objections to the remote meeting attendance, and Trustee Jozwiak was contacted via phone.

V. MAYORAL REPORT

Appoint William Y. Franks as Hearing Officer for the Village of Antioch Adjudication Court – Mayor Hanson requested approval of his appointment of William Y. Franks for Hearing Officer for the Village of Antioch. Trustee Crosby moved, seconded by Trustee Dominiak, to confirm the Mayor's appointment of William Y. Franks as hearing officer for the Village of Antioch. Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

Following the appointment, Clerk Folbrick administered the Oath of Office to William Y. Franks. Mr. Franks thanked those present and provided a brief history of his experiences.

Citizens Wishing to Address the Board

There were no citizens wishing to address the board at this time.

VI. CONSENT AGENDA

Trustee Pierce moved, seconded by Trustee Dominiak to approve the following consent agenda items as presented:

1. Approval of the August 6, 2012 regular meeting minutes as presented.
2. Approval of a Resolution authorizing a Special Event Liquor License to St. Peter Catholic Church for their annual Parish Picnic – **Resolution No. 12-67**
3. Approval of a Resolution authorizing the adoption of the Lake County All Natural Hazards Mitigation Plan – **Resolution No. 12-68**
4. Approval of a Resolution authorizing Trick-or-Treat hours to be from 4:00 pm to 7:00 pm on Wednesday, October 31, 2012 – **Resolution No. 12-69**
5. Approval of a Resolution authorizing the Antioch Community High School to conduct a bonfire and fireworks during Homecoming Week - **Resolution No. 12-70**

Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

REGULAR BUSINESS

6. Update on Village of Antioch Lifestyle Corridor – Director Nilsen provided an update on the steering committee meeting held earlier in the day. He introduced guests present in the audience from CMAP, who will provide staff and consulting services to the Village for reaching long term goal initiatives.

Mr. Jason Navota, CMAP Principal, announced the kickoff of the project, and their tour of the community. He stated that they are a regional planning and advisory agency for 7 counties around Chicago and they provide technical assistance and research to communities within the organization. With their main objective to stimulate the community, they help to coordinate local decisions made by each community so that they fit into a larger goal for the region. He reviewed the project they are working on in Antioch, the Lifestyle Corridor, which is a green trail that goes through Antioch. The goal of the project is to improve the quality of life in Antioch and connect destinations. The anticipated length is one year, during which public meetings, workshops, and open houses will be held. The first

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meeting is scheduled to occur in early October. Trustee Pierce asked if part of the task would be to include CMAP in the national wildlife refuge. Mr. Navota replied that they are open to all suggestions.

7. Consideration of payment of accounts payable as prepared by staff – Trustee Pierce moved, seconded by Trustee Sakas, to approve payment of accounts payable as prepared by staff and in the amount of \$244,292.23. Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

8. Consideration of the first reading of an Ordinance Approving an Annexation Agreement and an Ordinance Amending the Zoning Map of the Village of Antioch for Certain Property Located West of Illinois Route 83 between Margate Terrace and Park Avenue – Trustee Sakas moved, seconded by Trustee Pierce, to accept the first reading of an ordinance approving an annexation agreement and an ordinance annexing and amending the Zoning Map of the Village of Antioch for certain property located West of Illinois Route 83 between Margate Terrace and Park Avenue upon the Petition of Dr. Jeffery Turnbull. Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

9. Consideration of an Ordinance Licensing Video Gaming – Mayor Hanson invited residents to address the board with their comments and questions regarding video gaming.

Mr. Peter Grant, Crawford Avenue resident, related that he has spoken with many voters, and they mostly expressed concern over property taxes, jobs and schools. He indicated that the issue of video gaming never came up in his contact with constituents. He shared results of his own poll, stating that out of 25 businesses he asked, both incorporated and unincorporated Antioch, he did not find one that is not in favor of having access to video poker. He does not believe anyone should tell people how to spend their money, and believes prohibiting video gaming will hurt local business. He asked for a favorable vote on the ordinance.

Mr. Nick Romito, Garys Drive resident and former president of interstate gaming industries, stated he is not in favor or against the ordinance, but had questions he thought needed to be considered. He asked who will own the devices, who will hold the license, and who will maintain the machines. Attorney Long explained the state statute and the regulations already in place. Mr. Romito commented that his concerns are mainly with the potential for problems in liquor pouring establishments.

Trustee Crosby asked if the item could be placed on a referendum. Attorney Long responded that 25% of the registered voters would have to sign a petition in order to place the item on referendum.

Trustee Dominiak asked to require signs and training of staff in establishments that would have the machines.

Trustee Pierce moved, seconded by Trustee Crosby, that the item is tabled to the October 1, 2012 meeting in order to obtain input from the residents.

Trustee Crosby asked what happens if no action is taken at this time. Attorney Long responded that the ordinance does not allow or prohibit video gaming at the present time, but there is an older section regarding coin operated devices, which came into question at the state gaming board. If no action is taken, licenses would be available from the state to those establishments. Trustee Crosby expressed concern with the delay, in that de facto gaming could be allowed.

Trustee Pierce asked about the possibility of a moratorium placed on video gaming. Attorney Long read aloud section 27 of the act, stating that “a municipality may pass an ordinance prohibiting video gaming within the corporate limits of the municipality”. Trustee Jozwiak said that they should give the business the opportunity, noting that if gaming is prohibited he thinks that all other gambling operations should cease as well. Trustee Dominiak responded that the revenue generated from video gaming would be made by people losing money. Mayor Hanson commented on the failure of the State of Illinois in passing the act. Trustee Crosby stated that he has an issue in legislating morality. Trustee Sakas expressed concern that the standard for success is that people gamble more.

Upon roll call of the motion to table the item to October 1, 2012, the vote was:

YES: 1: Pierce.

NO: 5: Sakas, Poulos, Crosby, Dominiak and Jozwiak.

ABSENT: 0.

THE MOTION FAILED.

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Trustee Jozwiak moved, seconded by Trustee Crosby, to accept the second reading of the ordinance and pass as presented.

Trustee Dominiak asked if signage and training could be included in the ordinance. Attorney Long responded that if the ordinance were approved, amendments could be brought back. Trustee Dominiak discussed the 'whereas' clause in the ordinance indicating the evils inherent in gambling.

Trustee Poulos discussed his conversations with some people after last week's meeting, most of whom were against video gaming. He doesn't believe it is a good decision to approve the ordinance when a majority of the people are against video gaming. He said it would be easier to vote 'yes' later than it would be to take away the machines after investments have been made.

Upon roll call of the motion to accept the second reading of the ordinance and pass as presented, the vote was:

YES: 0.

NO: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

ABSENT: 0.

THE MOTION FAILED.

Trustee Pierce moved, seconded by Trustee Dominiak, to direct the attorney to draft a revised ordinance licensing video gaming to include training and that both ordinances licensing and prohibiting video gaming be placed on the September 17, 2012 agenda. Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION PASSED.

10. Consideration of a Resolution Authorizing the Village Administrator to Execute a Contract for Emergency Services with Antioch Rescue Squad – Mr. Mike Nowakowski, Autumn Drive Resident, expressed concern with the Village entering into a contract with Antioch Rescue Squad (ARS). He recognized those who have served for the rescue squad. He believes the community is better served by a combined rescue and fire service. He discussed on scene management and the recent lawsuits, Illinois Department of Public Health (IDPH) findings, and news articles regarding the loss of private licenses. He said now is not the time to consider a contract, and asked the board to wait until a final determination has been made with IDPH and the lawsuits. He added that the contract should not be viewed as a way to clean up rescue squad operations.

Mr. Mike Volling, Oakwood Drive resident and retired member of the Antioch Rescue Squad, stated that he is currently fire chief in another community. He discussed his history and involvement with ARS and other organizations. He said that his daughter, plaintiff in the pending lawsuit, was ignored by ARS management when voicing her concerns. He said that ARS has changed since his involvement, and there is increased call volume. He discussed current membership demographics, and lack of supervision. He expressed his disgust that the Village Board would consider entering into a contract in light of recent events. Mr. Volling stated that one member admitted to putting drugs in other people's food and drink, as taught by the chief and assistant chief. He discussed the IDPH findings and members facing revocation of their licenses. He believes the time has come for the Village of Antioch to have the fire department assume the responsibility of rescue services for the village of Antioch. He indicated the qualifications of the current fire chief to supervise rescue operations.

Ms. Patricia Vanderwerker, discussed her history as a paramedic and ER nurse. She has worked and dealt with ARS, and said they work very hard, and believes there are a few young people that made mistakes. She thinks they should settle the troubles and let the state fix the problem.

Mr. Phil Delany, township resident, discussed the needs of township residents to have emergency rescue services, and commended the work that he has experienced with ARS. He believes there may be problems, but thinks they can be remedied.

Mr. Adam Sachs, Lake Bluff resident, provided his opinion as an economist, and said that there is a very good program in place that just needs to be cleaned up. He thinks there is an opportunity for more direct oversight.

Mr. Marty LaPointe, attorney for ARS, addressed some of the concerns made by those present. He discussed the outcome of the meeting with IDPH, and their support of the squad. He said 95% of the squad members are solid people and good paramedics. He discussed the volunteerism of rescue squad members, and related that the IDPH has no inclination to shut the operation down. He stated that they have 30 days to respond to the IDPH letter, and they fully intend on making the necessary changes. He discussed the recent press regarding the findings of fact letter, and indicated that the IDPH was unhappy with the breach of ethics of that letter reaching the press. He reviewed the steps ARS is willing to take to remedy any problems. The IDPH stated that a vast majority of those on the squad are committed and good paramedics.

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Mayor Hanson stated that the Village Board did not act unethically as accused by Attorney LaPointe, and resents the accusation. Trustee Sakas asked Attorney LaPointe for his interpretation of FOIA requirements. Attorney LaPointe remarked on the FOIA regulations. Attorney Sakas stated that the last page of the letter stated it was an informal document, but also threatened formal action. Attorney LaPointe said that the IDPH wanted to resolve the issues with ARS.

Trustee Dominiak asked if there was a timeline established for making changes to the ARS board. Attorney LaPointe indicated that it may be 90 days, and bylaws would have to be amended.

Ms. Chelsea Malone, Poplar Drive resident, discussed her relationship with ARS members. She discussed her loyalty to ARS, and that what is printed in the paper is not representative of the squad.

Mr. Dean Pedersen, Fire District President and township resident, asked to allow the rescue squad to resolve their issues before considering another provider on behalf of the First Fire District.

Ms. Abbey Aguiler, Lake Street resident, discussed her community involvement, and stated that she has not heard a negative complaint regarding ARS. She thinks its time to stand behind all rescue services.

Ms. Megan O'Malley, attorney for plaintiffs, discussed the complaints by members that were ignored. She discussed the involvement of ARS with Metro and Kurtz paramedics. She believes that proper leadership needs to be in place. She stated that her clients have not collaborated with IDPH or Antioch Police Department in any of their investigations. Mayor Hanson indicated that the Antioch Police Department did their job and sent the information they found to the States Attorney's Office. Attorney O'Malley indicated that the police investigation was not initiated by her or her clients.

Mr. Wayne Sobczak, ARS President, discussed the meeting with IDPH, and the points of deficiency. He indicated that all but one will be corrected within 30 days, and the remaining within 90 days. He discussed certain allegations, and said previous statements that he instructed members to drug food were incorrect. He asked the board to approve the resolution.

Trustee Pierce discussed the level of service provided to him personally, and his appreciation of ARS. He believes the situation needs to be addressed, and IDPH recommendations need to be followed by the strictest letter of the law. He does not believe a contract should be voted on while resolutions are still being made. He believes they should be given time to thoroughly make the necessary adjustments and corrections. He added that he does not believe that the contract should include binding arbitration.

Trustee Crosby commended current ARS members, and said that those present were not the issue. He recognized that the problems which occurred were with a select few members and reflected on the squad as a whole. He provided a brief history of the past 18 months where contracts were discussed. He discussed the lack of access to financial records of ARS, and the fiduciary responsibility of the Village Board. He spoke of previous meetings where certain requests were considered for oversight, metrics, contracts and the ability for interoperability. All discussions were in the interest of public safety. Trustee Crosby stated the intentions for entering into a contract, and said that the board has reached out to the rescue squad numerous times. He believes the time has come to get some level of control with what is going on at the rescue squad to ensure that the residents have the best possible service available. He indicated that he is not willing to enter a contract with ARS in light of current events. Trustee Crosby said he cannot support a relationship with ARS unless there is supervision by the Village. He will not vote for contract without oversight from the Village.

Trustee Poulos said that without a contract they are still operating business as usual, and we need the oversight the contract allows. He indicated that the Village has been kind in negotiations. He discussed the problems that have occurred, and how they have been allowed to continue. He thinks wrong action should have been stopped and reported. He said that the Village needs a contract, and cut ties if findings are not adhered to. He believes that there should be a member of the Village board on the ARS board, or the Village board should be able to choose a member representative. He urged the need to have controls in place.

Trustee Sakas discussed the findings by the state regulating agency, IDPH, and discussed services his family has received from ARS. He indicated that the license revocation has serious repercussions. He said that it is the responsibility of the Village Board to make sure the residents are provided emergency services in a professional manner. He does not believe that this organization is capable of providing those services professionally. He said that the residents must be confident in the services provided. He discussed the leadership of ARS, and that the issues arose 2 years ago, and the problem should have been addressed at that time.

Trustee Pierce suggested that the mayor be a member on the rescue squad board.

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Trustee Dominiak said that a contract needs to be in place, and suggested that the board consider having an independent consultant look at their management practices, particularly human resources.

Trustee Jozwiak discussed the loyalty of current members, and findings made by the IDPH. He said he is not prepared to vote on a contract because of a lack of professionalism and management.

Trustee Poulos asked other board members if they are comfortable to continue with business as usual, and not enter into a contract where the services may be monitored. Trustee Crosby responded that the terms of the contract are still not satisfactory to him, and he suggested that the Village Administrator put together an action plan which would require reporting to the fire chief during the 90 day period while resolutions are made. Attorney Long responded that some kind of ordinance or resolution would need to be put in place for those controls. Trustee Crosby read aloud item #6 of the IDPH findings, which states that staff made multiple allegations of misconduct by ARS management and board members, adding that several of the board members had been named as being aware of or having participated in the alleged misconduct, and the recommended corrective action to restructure the organization.

Trustee Pierce moved, seconded by Trustee Dominiak to enter into a 90 day contract with ARS, including a 30 day requirement to make progress and a status checkup at 60 days, with the option for early termination if progress has not been made.

Trustee Crosby expressed concern with a 90 day contract without reports, and suggested it be rewritten before approved.

Trustee Sakas asked for clarity on the term of the license. Attorney Long responded that it expires at the end of 2013. Trustee Sakas suggested we amend the license to be under the direction of Village Administrator or Fire Chief. Trustee Poulos suggested it be under the control of the Village Administrator or his designee.

Trustee Dominiak discussed the proposed contract, and the need to remove anything with a specific timeline. She does not believe the metrics are critical at this time. She said that someone needs to serve as a consultant to help the management of the organization move forward. She indicated that there have been no concerns voiced over the level of service provided by ARS, but rather the management. Trustee Jozwiak said he is not prepared to remove any time stamps. Trustee Crosby believes the Village Administrator should be able to assign who he deems necessary to oversee the rescue operations. He indicated that a contract needs to be more specific about deliverables, and the Board needs to give general direction to the Village Administrator on what they are looking for.

Trustee Pierce said that it has been handled poorly, and asked for a 90 day contract. Attorney Long reviewed the ordinance allowing the licensing of ambulance services, which states the Village Administrator shall oversee the contract and be the compliance officer of the license.

Administrator Keim discussed the meeting held earlier in the day with IDPH, and reviewed the general tone and nature of the conversation. He said it is an ongoing investigation. He indicated that there were approximately 15 participants in the meeting. They went through each finding in the letter, and processes that need to be in place. He said IDPH was happy with the level of services provided in general, but had concern over the findings. An underlying theme was the need for changes to the management and culture, and ability to recognize the occurrences in their organization. He discussed the recommendations for corrective action, and said it is up to ARS to make their corrective plan. There were positive aspects discussed, but the meeting also included concerns made by IDPH. Those present discussed the timeline further, and future actions that may need to be made.

Trustee Pierce amended his motion, second amended by Trustee Dominiak, to include the plan for IDPH be submitted to the Village Board within 30 days.

Clerk Folbrick read aloud the motion to enter into a 90 day contract with 30 days to make progress, 60 day checkup and 30 days to submit the plan for IDPH to the Village Board, with the option for termination if failure to comply with any of the requirements within the specified timeframes.

Trustee Sakas asked for clarity on the term of the contract. Attorney Long replied that it is co-terminus with the license. The motion was for a 90 day contract, unless terminated sooner.

Trustee Crosby referred to previous discussions where temporary licenses were considered. He indicated that the reason he is voting no to the motion is because the contract is not adequate for the current circumstances. He cited examples including finances and metrics.

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Trustee Dominiak discussed conflicting requirements in the contract that would not be applicable for a 90 day contract. She suggested that the previously presented contract should be considered. Trustee Sakas said that the rescue squad needs to manage their priorities, and should make a good faith effort to comply with all requirements.

Trustee Dominiak said that the blue lines in the contract need to be discussed. Trustee Sakas reviewed each blue lined amendment to the contract. Trustee Crosby said he is not opposed to the contract, but said nowhere in the contract does it address the corrective actions that need to be made according to the IDPH. Attorney Long said that there is language regarding IDPH included.

Trustee Pierce called the question. There were no objections to calling the question.

Upon the motion to enter into a 90 day contract with 30 days to make progress, 60 day checkup and 30 days to submit the plan for IDPH to the Village Board, with the option for termination if failure to comply with any of the requirements within the specified timeframes, the vote was:

YES: 4: Pierce, Poulos, Dominiak and Mayor Hanson.

NO: 3: Sakas, Crosby and Jozwiak.

ABSENT: 0.

THE MOTION CARRIED.

VII. ADMINISTRATOR'S REPORT

Administrator Keim announced the results of the Cross Town Classic and the success of the event. He discussed a pending lawsuit where the Village was named, and will brief the board individually with those details.

VIII. VILLAGE CLERK'S REPORT

Clerk Folbrick reminded Board Members of the Open Meetings Act Training requirements that must be completed by the end of the year.

IX. TRUSTEE REPORTS

Trustee Pierce discussed the garden walk, and thanked Public Works for their assistance with the event.

Trustee Sakas asked for better identification of trees that need trimming after recent storms in the area caused tree limbs to fall onto power lines resulting in power outages. Administrator Keim said staff does not remove limbs from utility lines, as it is a safety risk for employees. He added that staff will contact ComEd about getting a vegetation crew in the area.

Trustee Poulos asked if there was any resolution regarding the private parking lot at the corner of Park and Main. Administrator Keim replied that he will look into a resolution.

Trustee Crosby complimented Chief Somerville for the "National Night Out" event held on August 7, 2012.

Trustee Dominiak said that AAHAA will provide a report tomorrow at their meeting regarding the healthcare landscape in Antioch. She further thanked Trustee Pierce for informing board members of the house dedication last Saturday to Army Specialist Nick Mapson. She also thanked the Environmental Commission for their work on the community garden.

Trustee Jozwiak reported that Public Works was working in the Woods of Antioch, and discussed other street reconstruction and improvements.

X. EXECUTIVE SESSION – Personnel, Pending/Probable Litigation, Sale or Lease of Village Property, Executive Session Minutes

The Mayor and Board of Trustees did not go into executive session.

XI. ACTION ON EXECUTIVE SESSION ITEMS

XII. ADJOURNMENT

There being no further discussion, Trustee Pierce moved, seconded by Trustee Dominiak to adjourn the regular meeting of the Board of Trustees at 10:38 p.m.

Respectfully submitted,

Lori K. Folbrick
Village Clerk