

VILLAGE OF GILBERTS

VILLAGE BOARD MEETING

February 17, 2009

7:30 p.m.

CALLED TO ORDER/ PLEDGE OF ALLEGIANCE

Village President Wajda call the meeting to order at 7:30 p.m. President Wajda led those present in the Pledge of Allegiance.

ROLL CALL/ESTABLISH QUORUM:

President Wajda asked Deputy Clerk Meadows to call the roll: Members present: Trustees Garcia, Mueller, Mengarelli, Mierisch, Zambetti, Erbeck, and President Wajda. Others Present: Village Administrator Keller, Police Chief Joswick, Administrative Intern Cratty, Attorney Tappendorf, Engineer Kanthack, Chief Building Inspector Swedberg and Deputy Clerk Meadows. (See attached list for members of the public present).

RECOGNITION

President Wajda and the Board Members recognized Deputy Clerk Meadows for receiving her Registered Clerk's designation from the Illinois Municipal Clerks.

President Wajda and the Board Members along with the audience commended Sergeant Jack Rood for graduating from Northwestern University's Staff and Command Program. In addition, Sergeant Rood was awarded "The Kreml Award" by his peers for his outstanding leadership.

President Wajda and the Board Members commended Sergeant Rood for receiving the "Flame of Hope Award" from the Special Olympics. Sergeant Rood raised \$21,001.83. Sergeant Rood expressed his thanks and stated that the reason he works so hard to raise money is for the athletes. Sergeant Rood encouraged all in attendance to get involved in this worthy charity. The audience applauded Sergeant Rood for all of his recent accomplishments.

PUBLIC COMMENT AND DISCUSSION

Resident and President of Timber Trails Villas Homeowners Association, Christine Erbeck, approached the Board and inquired on the status of the independent audit. Ms. Erbeck stated that recently EEI had completed a walk through of the Villas and was going to forward their comments to the Village for review. Administrator Keller reported that he had just received an email containing the information and had not had an opportunity to review the information. Ms. Erbeck asked Administrator Keller if he would estimate the time it would take for the Village to review the report and provide the HOA with the Village's opinion. Administrator Keller estimated the time of review to take about two weeks.

Gilbert's Business Owner Dave Scurto who resides at 830 Mason Lane, Lake in the Hills approached the Board Members and reported that a Board Member recently was found after normal business hours locked within their security gate. Mr. Scurto is questioning the motive behind the after hours entrance onto their property. Mr. Scurto informed the Board that Scurto has an open door policy if there is a concern he would like to be informed. Trustee Garcia stated he was the Board Member found on the Scurto's property and he apologized. Trustee Garcia stated at the time he was talking on his cell phone and lost track of his location. In addition, Trustee Garcia stated that he was not aware of any problems.

Resident David Alice who resides at 146 Charleston Lane approached the Board Members with concerns about what type of Recycling Facility was under consideration. The Board informed Mr. Alice that the facility under consideration would be handling scrape metal and construction debris and there would be no foul odors.

EXECUTIVE SESSION TO ADDRESS PENDING LITIGATION

The Board had no litigation to discuss at this time.

APPROVAL OF MINUTES

A motion was made by Trustee Erbeck and seconded by Trustee Mengarelli to approve the minutes of the Village Board Meeting of January 20, 2009, Village Board Work Session of January 27, 2009 and the Village Board Work Session Minutes of February 10, 2009. Roll call: Vote: 6-ayes (Trustee Mueller, Mengarelli, Mierisch, Zambetti, Erbeck and Garcia). 0-nays, 0-abstained. Motion carried.

APPROVAL OF BILLS AND SALARIES

A motion was made by Trustee Mueller and seconded by Trustee Erbeck to approve the payment of the ratified bill list as pursuant to the listed dated 2/17/09 as follows: General Fund \$93,937.15, Water Fund \$273.47. Roll call: Vote: 6-ayes (Trustee Mengarelli, Mierisch, Zambetti, Erbeck, Garcia and Mueller). 0-nays, 0- abstained. Motion carried.

A motion was made by Trustee Mueller and seconded by Trustee Mengarelli to approve the amended payment of bills and pursuant to the listed dated 2/17/09 and presented to the Trustees prior to the meeting excluding the payment to Bell, Boyd & Lloyd in the amount of \$1,461.25 as follows: General Funds \$40,431.80, Permit Pass Thurs \$180.00, Performance Bonds and Escrows \$2,425.60, Water Fund \$35,827.34 and Payroll \$120,620.03. There was some discussion with respect to the payment to Bell, Boyd and Lloyd. The Board directed staff to provide them with more details on that invoice. The Board concurred that the payment to Bell, Boyd and Lloyd would be held until more information is received. Roll call: Vote: 6-ayes (Trustee Mierisch, Zambetti, Erbeck, Garcia, Mueller and Mengarelli). 0-nays, 0-abstained. Motion carried.

A motion was made by Trustee Zambetti and seconded by Trustee Mierisch to approve the proposal by the Lane Western Company to inspect and service Well #4 for an amount not to exceed \$60,000.00. Administrator Keller reported that the Public Works Committee recommended that the Board move forward with the inspection and service to Well #4. The service work will be similar to the work performed recently on Well #3. Roll call: Vote: 6-ayes (Trustee Zambetti, Erbeck, Garcia, Mengarelli, Mueller and Mierisch). 0-nays, 0-abstained. Motion carried.

A motion was made by Trustee Zambetti and seconded by Trustee Mueller to approve Ordinance #09-03, amending a Special Use Permit for the operation of a recycling center within the I-1 General Industrial Zoning District located at 64 West End Drive. There was some discussion with respect to permitting overnight storage on an unimproved surface and the materials being housed in a concrete block enclosure with no cover.

Attorney John Regan approached the Board to speak on his clients behalf. Mr. Regan informed the Board that his client would not be sorting any recyclables on the unimproved surface so the creation of dust would not be an issue. In addition, the improvement of the surface would increase stormwater runoff.

The Board inquired as to what the vote count was at the Plan Commission's meeting. Administrator Keller informed the Board Members that the Plan Commission's voted 3-2 in favor granting the amended Special Use Permit.

There was a lengthy discussion with respect to an encroaching fence on the property's east side. The Ordinance mandates that the fence be removed within forty-five day of the adoption of the Ordinance. Trustee Erbeck is questioning what staff will do if they do not comply. Administrator Keller stated that staff would issue zoning citations.

There was some discussion with respect to condition number 12 on what is non-motorized storage. Nely Diaz a representative for West End Recycling stated they have no intent to store vehicles outside. Currently all their vehicles are stored indoors.

The Board Member discussed item 13 of the proposed Ordinance. President Wajda directed staff to make all deadline dates a consistent number.

Trustee Mengarelli stated that West End Recycling has lost credibility with the Village. They have not complied with the original Special Use Permit nor paid their fines.

Trustee Mengarelli asked Attorney Tappendorf if the Village had the right to revoke the Special Use Permit. Attorney Tappendorf responded yes, if the applicant does not comply with the conditions of the permit the Village can hold a Public Hearing and revoke the Special Use Permit. The Board amended the Special Use Permit to include in item number 2, "**includes batteries and auto engine recycling**". Roll call: Vote: 4-ayes (Trustee Erbeck, Mueller, Mengarelli, and President Wajda), 3-nays (Trustee Garcia, Mierisch, and Zambetti), 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mierisch and seconded by Trustee Erbeck to approve Ordinance 09-04 amending the Zoning Ordinance of the Village of Gilberts, Illinois "Administration and Enforcement". Roll call: Vote: (Trustee Mueller, Mengarelli, Meirisch, Zambetti, Erbeck and Garcia), 0-nays, 0-abstained. Motion carried.

A motion was made by Trustee Erbeck and seconded by Trustee Mueller to approve Treasurer's Report for January 2009 filing. Trustee Garcia inquired if the amended MFT percentage was reflected in this report. Administrator Keller stated that the change in the MFT percentage would be reflected in March or April's budget adjustments. Roll call: Vote: 6-ayes (Trustee Mueller, Mierisch, Zambetti, Erbeck, Garcia and Mengarelli), 0-nays, 0-abstained. Motion carried.

A motion was made by Trustee Erbeck and seconded by Trustee Mueller to approve executive session meeting minutes dated 3/11/03, 3/25/03, 7/01/03, 7/29/03, 5/4/04, 9/7/04, 1/11/05, 11/5/05, 12/6/05, 1/3/06, 5/23/06, 6/6/06A, 7/24/07, but not to release to the public.

Trustee Mengarelli asked Attorney Tappendorf why the Board was approving executive minutes, which would not be released to the public. Attorney Tappendorf stated the Board is required to approve their executive session minutes every six months. Roll call: Vote: 6-ayes (Trustee Mengarelli, Meirisch, Zambetti, Erbeck, Garcia and Mueller), 0-nays, 0-abstained. Motion carried.

REPORTS FROM CONSULTANTS, OFFICERS, BOARDS, COMMISSIONS

Village Administrator-Administrator Keller reported he had recently attended a meeting with School District 300's Construction/Facility Oversight Committee and the YMCA to discuss a conceptual plan of a 20 to 30 acre park and a community center. The three entities would possibly share the cost and the amenities. All parties were receptive to the idea.

Administrator Keller report included in the Board's packets was a letter to Congressman Bill Foster from the Metro West Council of Government. The letter is a request for funding for needed infrastructure improvements throughout Kane, Dekalb and Kendall Counties. Many of the projects listed are "shovel ready" and are regionally significant. The fear that many municipalities express is the majority of the economic stimulus funds will go to the City of Chicago.

Administrator Keller stated that the Board has recently directed staff to research the way other communities structure Board and Committee meeting. He distributed some information to the Board for their review. This matter will be discussed at the next Board Work Session. Administrator Keller suggested the Board might want to consider retaining the Park, Public Safety and EDC Committees.

Village Engineer-Engineer Kanthack report was included in the Board packet.

Village Attorney-Attorney Tappendorf had no report at this time.

Village Treasurer-Absent

Village Clerk-Deputy Clerk Meadows had no report at this time.

Village Planner-Administrator Keller reported that he has been in contact with Stephanie Sheetz from the Conservation Foundation and they will continue to work on the concept plan for the Tyler Creek Properties.

Chief Building Inspector Swedberg reported that two of the billboards located in the Village have been taken down. The reconstruction of the signs will not be allowed and the company was informed.

Police Chief-Chief Joswick report was included in the Board Packet.

Chief Joswick reported that the Police Commission would begin the interviewing process on February 28th. The review team will be comprised of the Police Commission members, three Gilberts' Officers and three Police Officers from a surrounding community.

Trustee Erbeck recognized two Gilberts' Police Officers that recently risked their own lives when entering a burning home. However, no residents were inside the home at the time, but the Officers were able to save the family's dog.

REPORTS FROM TRUSTEES AND VILLAGE PRESIDENT

Trustee Erbeck reported that the Public Safety Committee is in the process of reviewing Kane County's Pandemic Plan. In addition, he wants to remind staff and contractors working for the Village to have their Village I.D. cards on them at all times. Trustee Erbeck recommended Engineer Kanthack receive an I.D. card.

Trustee Erbeck asked Attorney Tappendorf if the Village could accept sponsorships or donations from companies. Attorney Tappendorf answered it would depend on if the sponsor was looking for something in return.

Trustee Mierisch reminded everyone that the Pet CPR class is scheduled to be held on February 21 and there is still space in the class.

Trustee Garcia asked Attorney Tappendorf to clarify the role of Trustees. Attorney Tappendorf stated the Trustees' role is to serve as a legislator and a policy-marker. The day-to-day operation of the Village, as well as the administration and enforcement of Village policies and regulations, are customarily the responsibility of the Village staff.

Trustee Garcia stated he has concerns with respect to inconsistent lighting standards throughout the Village. However, this matter has been resolved. For the record Trustee Garcia did not appreciate Mr. Scurto's tone of voice during public comment.

There was a lengthy discussion with respect to the definition of glare. The Board directed Administrator Keller to provide them with the definition of glare.

EXECUTIVE SESSION TO ADDRESS LITIGATION AND PERSONNEL

A motion was made by Trustee Erbeck and seconded Trustee Zambetti to close a portion of the meeting to be closed to the public, effective immediately with no business to follow as permitted by 5 ILCS 120/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal or which is probable or imminent and by 5 ILCS 120/2 (c) (1) to discuss appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village. Roll call: Vote: 6-ayes (Trustees Erbeck, Zambetti, Mierisch, Mueller, Mengarelli and Garcia). 0-nays, 0-abstained. Motion carried. The Board recessed and went into Executive Session at 9:15 p.m.; and returned to the public meeting at 9:49 p.m.

A motion was made by Trustee Mengarelli and seconded by Trustee Mueller to reconvene to the public meeting. Roll call: Vote: 6-ayes (Trustees Zambetti, Mierisch, Mueller, Mengarelli, Garcia and Erbeck). 0-nays, 0-abstained. Motion carried.

There being no further business, a motion was made by Trustee Mueller and seconded by Trustee Mierisch to adjourn the meeting at 9:51 p.m. Roll call: Vote: 6-ayes (Trustees Mierisch, Mueller, Mengarelli, Garcia, Erbeck and Zambetti). 0-nays, 0-abstained. Motion carried.

Respectfully Submitted,

Debra Meadows, Deputy Village Clerk

