

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

July 6, 2009

Mayor Frank Saverino, Sr. called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Village Clerk Beth Melody to call the roll.

- Present: Mayor Frank Saverino, Trustees Tony Manzzullo, Don Weiss, Greg Schwarze and Rick Gieser
- Absent: Trustee Matt McCarthy (until 8:30 p.m.) and Pam Fenner
- Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob Mellor, Attorney Stewart Diamond, Village Clerk Beth Melody & Deputy Village Clerk Wynne Progar

Mayor Saverino led those in attendance in the Pledge of Allegiance.

MINUTES:

Trustee Schwarze moved and Trustee Manzzullo made the second to approve the Minutes of the Meeting of ~~July 6, 2009~~ as presented. The results of the roll call vote were:

June 15,

- Ayes: 3 Trustees Manzzullo, Weiss, and Schwarze
- Nays: 0
- Abstain: 1 Trustee Gieser
- Absent: 2 Trustees Fenner and McCarthy

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Historical Recollection Series; Trustee Gieser introduced Mr. Alan DuBose, CEO of Testing Services Corporation and his father, Larry DuBose, Sr. founder of TSC, Corporation about the early years of commerce in the Village.

CONSENT AGENDA:

Trustee Manzzullo moved and Trustee Schwarze made the second to establish a Consent Agenda for this meeting. The results of the roll call vote were:

- Ayes: 4 Trustees Manzzullo, Weiss, Schwarze & Gieser
- Nays: 0
- Absent: 2 Trustee McCarthy & Fenner

Trustee McCarthy entered the meeting at this point.

Trustee Manzzullo moved and Trustee Schwarze made the second to put the following items on the Consent Agenda for this meeting. The results of the roll call vote were:

- Ayes: 5 Trustees Manzzullo, Weiss, Schwarze, McCarthy & Gieser
- Nays: 0
- Absent: 1 Trustee Fenner

The following items were put on the Consent Agenda for this meeting.

1. Award of Contract – Special Management Area Reviews
2. Waiver of Bids & Award of Contract – Pond Shoreline & wetland Maintenance
3. Award of Bid – Roofing Replacements
4. Ordinance 2009-07-33: Prevailing Wage
5. Ordinance 2009-07-34: Amend Budget
6. Resolution 2416: Declare Surplus Property
7. Regular Bills, Addendum Warrant of Bills

Trustee Gieser moved and Trustee McCarthy made the second to put these items on the Consent Agenda for this meeting. The results of the roll call vote were:

Ayes:	5	Trustees Manzullo, Weiss, Schwarze, McCarthy & Gieser
Nays:	0	
Absent:	1	Trustee Fenner

The following is a brief description of those items placed on the Consent Agenda for this meeting.

Award of Contract – Special Management Area Reviews:

The Board approved the award of contract for SMA plans, reviews and inspections to Christopher B. Burke Engineering Ltd. (CBBEL) at the specified rates noted in Attachment C of the contract.

Waiver of Bids & Award of Contract – Pond Shoreline & wetland Maintenance:

The Board approved the waiver of bids and awarded the second year contract for the Pond Shoreline and Wetland Maintenance for May 2009 through April 2010 to LaFayette Home Nursery, LaFayette, IL in the amount of \$30,613.

Award of Bid – Roofing Replacements:

The Board approved the award of bids for two roof replacements to: Exterior Construction Specialists, LLC of Grayslake, IL for the Municipal Garage Building of the Public Works Center in the amount of \$82,000 and to Singles, Inc. of Elgin, IL for the Sand Filter Building at the Water Reclamation Center in the amount of \$94,065.

Ordinance 2009-07-33: Prevailing Wage:

The Board adopted Ordinance 2009-07-33, AN ORDINANCE OF THE VILLAGE OF CAROL STREAM, DU PAGE COUNTY, ILLINOIS ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKERS AND MECHANICS EMPLOYED ON PUBLIC WORKS PROJECTS OF SAID VILLAGE.

Ordinance 2009-07-34: Amend Budget:

The Board adopted Ordinance 2009-07-34, AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE VILLAGE OF CAROL STREAM FOR THE YEAR COMMENCING MAY 1, 2009 AND ENDING APRIL 30, 2010.

Resolution 2416: Declare Surplus Property:

The Board adopted Resolution No. 2416, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM.- (SEIZED VEHICLES).

Regular Bills, Addendum Warrant of Bills:

The Board approved the payment of the Regular Bills in the amount of \$1,618,381.74.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$ 1,246,191.09

COMMENTS:

G-3: Award of Bid for Roofing Replacements:

Mayor Saverino said that the question he has is that when looking at the bids for the roof replacements, or anything else, for that matter, is how one company can bid \$94,000 and another company will bid \$233,000 for the same job. Does the lower bid mean that once the job is started will there be one work order after another to cover things that they do not expect to find? He said that he cannot figure out how there can be such a spread between costs. It was suggested that the bid could be much higher because the bidder does not really want the job. Mr. Breinig commented that some bidders will do that just to remain active on a bidders list, they may be busy, but will bid it and if they get it, will take it for the higher price. He said that a change order could happen no matter with the award of bid is. The bids are based on the proposed scope of work in the document and that is how the quantity of material is a part of the proposed bid. If the repair reveals that the material is so severely deteriorated that it has to be replaced, it could mean a change order.

Trustee Manzullo asked if there is language in the bidding documents that include "the lowest, most responsive bidder and he was told that the language is in the documents.

F-1: OLD BUSINESS: PROGRAMMING – CABLE CHANNEL 6:

Trustee Weiss said that since the last meeting he has met with the staff to discuss whether Village produced programming be allowed on Carol Stream's cable channel 6, such as this Board meeting as well as allowing programming from other agencies in Carol Stream and the other issue is in regard area State Legislators and allowing their independently produced broadcasts on Channel 6. In his memo, Mr. Breinig outlined the issues in terms of tiers, Tier 1 would be Village programming, exclusively produced by the Village, Tier 2 would be the other agencies in the Village and Tier 3 being from people that represent Carol Stream, such as legislators, other officials, but not necessarily producing them independently. Trustee Weiss said that he looks at this as the opportunity to keep residents informed of issues that face this community, whether they are issues that are from the Village, other agencies or from people who represent this community at other levels of government. He said that this is an opportunity to keep our residents informed, this is the opportunity for them to get messages that they will get no where else. The opportunity for them to learn what their elected officials do for them, whether it is the local level, or other agencies, or other levels of government. You don't get this kind of information or these messages by tuning in to main stream television. Trustee Weiss said that residents read about what is going on in the community and attend events that are here and this would be another opportunity, another example, in a very unique forum to present local messages to the people who are impacted the most

by those messages, whether it is information from the Village, information from other agencies, County officials, legislators, etc. This is an opportunity to expand the offerings that we have on cable so that a resident can look upon the cable channel as a source of information day or night,

Trustee Schwarze said that he agrees in principal with Trustee Weiss in that it is a good source of getting information out. He has watched the tapes of the local legislators and thought that they were "non-threatening" as far as some of his concerns, but he believes that is perceived contents that could be a problem. During election cycles it could dissolve into equal air time for every candidate. Trustee Schwarze said that he would be opposed to Tier 3, local legislators' presentations on the local channel.

Trustee McCarthy said that he likes the first two tiers, its local and most of all, it is non-partisan and it should stay that way.

Trustee Gieser said that he loves the idea of adding more and varied programming on our local channel 6. It is not a public access channel, it is not a community channel, it is a government channel. He said that he loves the idea of the Village producing programming, both current and in the future and hope that it can expand as budgetary concerns allow. The second tier, programming produced by Park District, Library, and schools within Carol Stream is a good idea and he would agree with the other Trustees on that. Trustee Gieser said that he has a couple of questions for Trustee Weiss in regard to the third tier of local legislators. He said that he has watched the programming, and noted that we do have the Illinois Channel which is a local C-Span. Trustee Gieser said that he read in the minutes, that these programs are airing elsewhere on public access channels, so Carol Stream residents do have access without their being on the Carol Stream channel. Trustee Weiss said that in the case of Senator Pankau's program, occasionally it will appear on the public access channel through the Comcast system, and Senator Milner's program do not appear on public access, as far as he is aware. Trustee Gieser said that the only people that can view channel 6 are those that have cable television, so if you have a Dish, an antenna or Direct TV, this programming is not available. Trustee Gieser said that he is not in favor, at this time, for tier 3 with other governmental officials.

Trustee Manzzullo asked what classification is our channel and it was determined that it is a governmental channel, where the municipality can determine what will be broadcast rather than the cable company. He said that the more that can be gotten out to the community, the better. As far as the schools and Park District, the users of them would appreciate a place to go to find out what is going on. Commissioner Manzzullo said that sometimes there are referendums, and even though the bodies are non political, it could possibly be used to promote a position on the referendum, at this point Mr. Breinig that using those programs would be contrary to State law and public policy. He added that staff needs direction from the Board as to what will be acceptable for broadcast, tier 1 or tier 2 or a combination of all three tiers and during an election there would be a complete blackout for a tier 3 production if the subject is a candidate for office. In answer to editing a questionable program during election times, Mr. Breinig said that he would not feel comfortable making the decision where what must be cut, so the would rather not to allow any part of a broadcast. Trustee Gieser said that he would be agreeable to that proposal. Mr. Breinig said that Tier 1 & 2 seem to be acceptable to everyone, the only problem has to do with Tier 3. Trustee Schwarze said that he would hate to get into using any non-local information. Trustee Manzzullo said that it seems that the recommendation is that no elected official partisan would be allowed to air any type of program on our governmental channel, regardless of whether it is self-promoting or not. Mr. Breinig said that it is so subjective that there could be the argument that just having a face on for three or four times a week is self promotion. He suggested that in

establishing rules, is unreasonable circumstances, such as being egregious or provocative, outrageous, once started, would we have the same rights and abilities to remove programming once it has begun airing? Mr. Diamond said that the difficulty is in opening a public forum and it would like allowing Village Hall to be used for some political meetings but not others. The Board would have to make a straight blocking decision. Trustee Weiss said he would suggest that there be a moratorium of 90 calendar days prior to an election that would black out any candidate for that election. Trustee McCarthy said that in the frame work of Trustee Schwarze's example of self promotion of any candidate for 3 years and 9 months, that the 3 month black-out defeats the purpose. He said that the residents would be better served by staying with Tiers 1 & 2 since we know that it will be about our residents, what is going on in the Village and that is the best way to keep it all local.

Mayor Saverino commented that it makes perfect sense since it will our Library, our Fire District, our Park District and not just a part of someone's district. Trustee Weiss said that once people are interested in the Village and Village activities they will also tune in more to the discussion of the issues that come forth by these Tier 3 programs by the legislators who represent them. Residents will want to have a long format that includes the details, whether is about a legislative issue, a State agency, a County office, and these are things that they don't get to hear about everyday. Trustee Gieser asked Mr. Diamond if the Board allowed these representatives and senators to do a program, would we then be obligated to offer it to other governmental bodies. Mr. Diamond said that the Board has the ability to determine what governments it would want to put onto a local channel and the way to resolve this is to take a vote to see whether it would be Tier 1, Tier 2 or a limited Tier 3 and it is his opinion that any other governmental body or elected official could require us to show their programs. Trustee Gieser said that the Board meetings are covered by several members of the press and that is where the day to day activities are reported to residents for local and county and state and he would rather keep the local government channel only for our local entities.

Trustee Weiss made a motion to establish a policy with regard to local cable programming on Channel 6, that staff be directed to include in local programming airing on that channel 6 as is outlined in the manager's memo for Tier 1, Tier 2 and Tier 3, with a black-out period of 90days prior to an election which the person submitting that program under Tier 3 is a candidate on the ballot. The motion failed for a lack of second,

Trustee McCarthy moved to take our cable access channel to include both Tier 1 and Tier 2, but eliminate Tier 3 altogether. Trustee Schwarze made the second. The results of the roll call vote. Trustee Gieser asked if this motion includes Illinois Channel and Trustee McCarthy said that it is included in his motion because it has been on up to this point. . The results of the roll call vote were:

Ayes:	6	Trustees Manzullo, Weiss, Schwarze, McCarthy & Gieser, Mayor Saverino
Nays:	0	
Absent:	1	Trustee Fenner

Trustee Gieser moved and Trustee McCarthy made the second to approve the Consent Agenda established for this meeting. . The results of the roll call vote were:

Ayes:	5	Trustees Manzullo, Weiss, Schwarze, McCarthy & Gieser
Nays:	0	

Absent: 1 Trustee Fenner
Trustee Manzzullo moved and Trustee McCarthy made the second to approve the Consent Agenda for the meeting by omnibus vote. The results of the roll call vote were:

Ayes: 5 Trustees Manzzullo, Weiss, Schwarze, McCarthy & Gieser
Nays: 0
Absent: 1 Trustee Fenner

REPORT OF OFFICERS:

Trustee Weiss said that the community is invited to the "Shape of Carol Stream Town Meeting" to be held on Wednesday, September 30th from 7:00 p.m to 9:00 p.m. in the Board Room of the Bielawski Municipal Center. Mayor Saverino and the Board Presidents of agencies serving Carol Stream will offer brief presentations on their respective agencies, followed by a moderator facilitated question and answer period from the audience at the Municipal Center. Those invited include: CS Park District, Fire Protection District, Library and School Districts 25,87,93,94, 200 and U-46. This Town Meeting will be broadcast on Carol Stream's local cable channel 6. It is sponsored by Itasca Bank & Trust Company.

Trustee Schwarze thanked the July 4th Parade Committee, especially Trustee & Mrs. Gieser and Trustee & Mrs. McCarthy and the Saverino Family for their time and talents. Thanks to the staff, Public Works, and the Police Department for their great jobs for the parade and for the fireworks. He congratulated Chief Orr and the PD for first place in Click it or Ticket competition and the \$10,000 award. He ended by saying Shop Carol Stream.

Trustee Gieser thanked Trustee Schwarze for his compliments on the parade and said that he would also like to thank the committee and mostly the volunteers that came out and helped on the day of the parade, and throughout the year. He thanked everyone that participated and noted that the Parade and fireworks will be on Saturday, July 3, 2010.

Trustee Manzzullo thanked Mr. DuBose for his recollections and he commented that the parade was great and he thanked all of the residents that came out to cheer everyone on. He reminded everyone to Pray for our Troops.

Trustee McCarthy apologized for being late to the meeting and he asked if the funds won for the Click it or Ticket has to be used for additional campaigns and Chief Orr said that they did. Trustee McCarthy said that this should be a lesson to all to keep wearing the seat belts because the check out will keep happening. Trustee McCarthy agreed with other Board members in thanking all of the participants and staff that supported everyone to make it a success.

Village Clerk Melody commented all of those who supported the parade and made it such a success.

Mr. Breinig thanked all of those concerned for the selfless acts they performed to have the entire day a great success. He reminded all residents that the Police Department is now involved with enforcement of the vehicle sticker requirement. In regard to the Town Center, Thursday's concert will have a Jerry Lee Lewis cover band, Saturday will be Rainbow Rockin Fest and the following Thursday will be the Multi-Cultural event.

Mayor Saverino thanked the Parade Committee, Public Works, the Police Department and all of the volunteers for their efforts. He noted that the Village and the Park District split the costs of the fireworks and that residents also make donations for the parade through the water billing, and all of the Staff participate on their own time. Mayor Saverino said that he and Manager Breinig attended the grand opening of the Metro-

Asian Family Services at their location at County Farm Road and Army Trail. He said that this and their other locations help out the aging and infirm from a lot of eastern and European people by providing meals and information to help them learn the language, study for passport requirements and direct them to other sources of help. Trustee Schwarze moved and Trustee McCarthy made the second to move to Execution Session to discuss Collective Negotiation matters and to adjourn directly from that session without taking any further action. At 9:12 p.m., the results of the roll call vote were:

Ayes:	5	Trustees Manzzullo, Weiss, Schwarze, McCarthy & Gieser
Nays:	0	
Absent:	1	Trustee Fenner

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

20th day of July, 2009.

Beth Melody
Village Clerk