

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

November 2, 2009

Mayor Frank Saverino, Sr. called the Regular Meeting of the Board of Trustees to order and directed Village Clerk Beth Melody to call the roll.

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

MINUTES:

Trustee Fenner moved and Trustee McCarthy made the second to approve the Minutes of the Meeting of October 19, 2009 as presented. The results of the roll call vote were:

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

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Resolution No. 2439, Honoring John S. Glos upon his retirement from the Village of Carol Stream Police Department was read by Mayor Frank Saverino, who then presented Sgt. Gloss with a plaque of the resolution and congratulated him on his retirement. Everyone present gave a standing ovation. Sgt. Glos thanked the Mayor and the Board for their support during his career and the members of the force that had his back at all times. He gave a special thanks to his wife and his family. Trustee Schwarze moved to adopt the resolution and Trustee Fenner made the second. The results of the roll call vote were:

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

Public Hearing: Proposed Property Tax Increase for the Village of Carol Stream, DuPage County, Illinois:

Trustee Manzzullo moved and Trustee Fenner made the second to open the public hearing. The results of the roll call vote were:

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

In response to Mayor Saverino's call for comments, Michael Wade read his response to Reasons to Vote down the Library Tax Increase (attached to the Minutes of the November 2, 2009 meeting). Dave Durango, 599 Woodcrest Court presented 104 signatures of petitioners against the Library Tax Increase (they were not left with the

Clerk's Office) and gave a statement of his reasons that there should not be a tax increase.

Trustee Fenner commented that this Board does not have the power to deny this budget and by State Law it must approve the budget. The only control that the Board would have is if the budget increase exceeds the tax cap, then the Village can deny giving them what amount exceeds the tax cap. Trustee Fenner said that at this point in time, no one is able to provide what the tax cap numbers will be and therefore we cannot, by law, address any of the public's arguments or concerns.

Mr. Diamond said that this hearing is being held pursuant to a published notice in the newspaper, which indicated that the Library has requested a tax amount of \$3,456,550.00, which is an increase of 1.015% over the previous year. Under the laws of this State for some period of time, in the form of government that we have, the Village has only the ability to review these numbers in regard to the issue of the tax cap.

Trustee McCarthy asked what would happen if the Board does not pass the levy and Mr. Diamond responded that if it is not passed, then the Village would be sued. The municipality would then be responsible for the amount of money that it refused to levy.

Trustee Gieser asked what the procedure would be if the Library was on its own and Mr. Diamond said that if this were a Library District, rather than a Library Board, the Village would never see this document. The Library District would have the ability to levy and none of the issues would come before the Village Board. Mr. Diamond added that the Library Board of Trustees would have the independent power to set the levy and could also go to referendum without coming to the Village.

Mayor Saverino noted that several months ago, the Village tried to remove itself from this process by asking the Library Board to become a Library District and it did not come to pass. Mayor Saverino said that he wants to make it clear that the Village is not levying the tax; it is the Library Board and also the Fire District, the Park District, not the Village.

Trustee McCarthy moved and Trustee Fenner made the second to close the public hearing. The results of the roll call vote were:

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

HISTORICAL RECOLLECTION SERIES:

Carol Ellermeier, a long time resident who has been very active in many facets of early Village life gave her recollections of the early days of the Park District and the Schools and life in general in the 1970's.

CONSENT AGENDA:

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

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

Trustee McCarthy moved and Trustee Fenner 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, Schwarze, McCarthy, Gieser & Fenner
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Nays: 0
 Absent: 1 Trustee Weiss

1. Tubeway Drive storm Water Lift Station – amendment to contract
2. Received: Annual Comprehensive Financial Report – 4/30/2009
3. Resolution 2440: Declare Surplus Property – seized vehicles
4. Regular Bills, Addendum Warrant of Bills

Trustee Schwarze moved and Trustee Gieser made the second to approve the items on the Consent Agenda for this meeting by Omnibus vote. The results of the roll call vote were:

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

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

Tubeway Drive storm Water Lift Station – amendment to contract:

The Board approved Amendment #2 to the existing Baxter & Woodman Engineering Service, of Crystal Lake, IL to provide additional consulting engineering services. The amendment provides \$3,000 for the bidding phase and provides a not-to-exceed amount of \$37,000 for part time engineering construction services.

Resolution 2440: Declare Surplus Property – seized vehicles:

The Board adopted Resolution 2440, 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 \$464,065.20. The Board approved the payment of the Addendum Warrant of Bills in the amount of \$704,677.20.

REGULAR MEETING:

Ordinance Levying Taxes for General and Special Corporate Purposes for the Current Fiscal Year Commencing on the First Day of May 2009 and Ending on the Thirtieth Day of April 2010 for the Village of Carol Stream, DuPage County, Illinois:

Trustee Gieser said that it has not been made clear that the proposed levy is under the tax cap, is that a fact and Finance Director Stan Helgerson said that at this point the new growth figures so there is no way to determine if this is under the tax cap. Village Manager Breinig added that only taxing bodies that have a property tax levy have to spend a lot of time trying to handicap the new growth, so there would be no reason for the Village to do that. He also said that it is possible that the tax cap will not be known until the taxes are extended in the spring when the final levies are done. Trustee Gieser then commented that this could be exceeding the tax cap without even knowing it. Mr. Breinig said that if the Board would like to table this, staff could try to work with the County Clerk's Office to see how and when that information will become known.

Mr. Diamond noted that this ordinance does not have to be passed until December so there is some time to look into it. The Village has an obligation to do, if they think that this number may not be appropriate, is to make some reasonable estimate as to what

the dollar amount would be that would be the obligation of the Village to adopt to make it consistent with the tax cap. The Library could provide additional information if they wish to. Trustee Gieser said that tabling this to another meeting would be appropriate and Mr. Diamond said that legally that would not be a problem.

Trustee Manzzullo said that he agrees with Trustee Gieser in tabling this matter in order to get more information. Trustee Manzzullo said that he thinks that it is prudent to take time to define this as closely as possible before signing. Mr. Breinig said that non-Home Rule municipal government never knows exactly what these numbers will be. The amount can only be estimated at this time of the year. Trustee Manzzullo asked if there is a way to put into the approval a "Not to Exceed" number for the tax cap. Mr. Breinig said that he would like to talk to the DuPage County Clerk's office to see what kind of information that they can get to us, and come back to the Board with whatever that information is.

Mayor Saverino said that there have been a Library Trustee and a resident that have said that they do not feel that a levy is necessary for the running of the Library because the library appears to have 16 months reserve and 3 months reserve is required.

Ann Kennedy, Library Director, said that Mr. Wade did mislead this Board in that the Annual Audit report filed with the Village shows that the reserves are 10 months. She said that some of the reserves are being used to change the Library to make the space more useable for the residents that use it.

Trustee Tom Ahrens of the Library Board commented that the Library wants to sure that the Village is receiving the most accurate information available. Mr. Breinig said that the Village is not the taxing body and any other taxing body can do these calculations. Mr. Ahrens said that the \$51,000 levy is not an insignificant number, but in perspective, he refuted Mr. Wade's report where he stated that no Trustees were addressing the financial plight of the Village and its residents. That is not true and the levy does not have any bearing on use of funds for reconstruction of the building.

Ms. Kennedy said that the new growth numbers for Carol Stream from the previous year, 2008, even with the complete halt of new construction, the growth number .2%.

Trustee McCarthy commented that the Board is not here to baby sit the Library Board. There was a Public Hearing 25 minutes ago and he asked why these comments not brought up at that time. The time and place for these comments was at the public hearing, not before the vote is to taken.

Trustee Gieser said that his comments had nothing to do with Mr. Wade's comments. Many of the comments have been brought up many times in the past and that this is the Library's levy, not the Villages. He said that he is perplexed that the Board has to do this every year when the Library could become its own independent board. Trustee Gieser said that he hopes at some future time that the separation is seriously considered by the Library Board. He said that he a proponent as well as big user of the Library and said that the Library should not have come "hat in hand" to the Board for approval of their levy by the Board. Trustee Gieser said if it takes two weeks to get the information he needs, then so be it.

Trustee Fenner said that in reality, the Board must do their due diligence to make sure that the Library's Levy does not exceed the tax cap. She said that the matter should be tabled until that information is forthcoming and it fit into those parameters.

Trustee Gieser moved and Trustee McCarthy made the second to continue this matter to the meeting of November 16, 2009.

. The results of the roll call vote were:

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

REPORT OF OFFICERS:

Trustee Schwarze congratulated Sgt. Glos on his retirement. He thanked Trustee Wade and Mr. Durango for their comments on the Library Levy. He reminded everyone to fill out their census reports when they are delivered and he thanked Carol Ellermeier for her Historical Recollection and ended with Shop Carol Stream.

Trustee Gieser reminded everyone that Managers Roundtable for the Historical Recollection will be held on Wednesday, November 10th here in the Board Room. He explained that original stone at Thunderbird Trail for Veteran's Park has now been moved to the Historical Farm House. He reminded everyone about donating for Christmas Sharing and also congratulated Sgt. Glos on his retirement.

Trustee Manzzullo thanked Sgt. Glos for his service and wished him well in his retirement. He thanked Carole Ellermeier for her recollections and he reminded everyone to thank a vet and also to pray for our troop's safe return and for their families.

Trustee McCarthy noted that the Youth Council is working on the Christmas Stockings and said that they welcome any donations. He reminded everyone to change their clocks back on Saturday night and to also change the batteries of their smoke detectors and said Go GB North football.

Trustee Fenner thanked Carole Ellermeier for her recollections and thanked Sgt. Glos for his many years of service to the Village and said that with the clocks being turned back it will be getting darker earlier so watch the kids on bikes and on foot.

Mr. Breinig reminded everyone that Christmas Sharing needs donations for the many needy members of the community. Donations can be made within the water bill; there are many locations around the Village for donations of non-perishable food.

Mayor Saverino congratulated Sgt. Glos and wished well. He thanked Carole Ellermeier for her recollections. Mayor Saverino said that at times he reads some of the blogs in the newspapers and he appreciates that Mr. Wade and Mr. Durango came before the Board with their issues about the Library tax levy and he wishes that the bloggers, who remain anonymous would come to the Listening Post with their issues and let him and Board explain just what is actually happening. He reminded residents that the Village has only two red light cameras; one at Kuhn and East bound North Avenue, without cameras for right turns, because it did not warrant it and there is one camera a West bound North Avenue at Schmale with right turn cameras. This intersection is the most dangerous and deadly intersection in the Village. He urged anyone to come to the hearings and decide if the Village is unfair to those ticketed.

Trustee McCarthy moved and Trustee Fenner made the second to move to Executive Session to discuss Collective Negotiations and to adjourn directly from that Session without taking any action. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

16th day of NOVEMBER, 2009.

Beth Melody
Village Clerk